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Tuesday, 10 May 2011, 10 a.m.
New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Osorio
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Amieyeofori
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

Protection of civilians in armed conflict

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

The President (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representatives of Armenia, Australia, Austria, Azerbaijan, Bangladesh, Botswana, Canada, Chile, Croatia, Cuba, Italy, Japan, Kenya, Liechtenstein, Mexico, Morocco, the Netherlands, Nicaragua, Norway, Peru, Qatar, the Republic of Korea, Slovenia, Sri Lanka, Switzerland, the Syrian Arab Republic, Turkey, Ukraine, the United Arab Emirates, Uruguay and the Bolivarian Republic of Venezuela to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights, to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Pedro Serrano, Acting Head of the delegation of the European Union to the United Nations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Ms. Valerie Amos.

Ms. Amos: I will focus my remarks today on the pressing need to ensure more effective protection for civilians in the conduct of hostilities.

The deliberate targeting of civilians or other flagrant disregard for their well-being in violation of international humanitarian law during hostilities results in hundreds being killed, injured, maimed and traumatized every week. Recent events in Libya and Côte d'Ivoire are the latest examples of this, but other situations also demand our attention. This initial failure to respect the law is almost always the precursor to further violence, suffering and trauma inflicted upon civilians, including massive displacement within and across borders.

In the six months since my last briefing (see S/PV.6427), we have witnessed an unprecedented series of crises in parts of the Middle East and North and sub-Saharan Africa. I am concerned at the violence levelled against civilians in Bahrain, Yemen and, more recently, Syria, and at the loss of life and other human rights violations. In Syria, reports of the deployment of tanks and of the shelling of residential areas are alarming.

Of particular concern, however, was the deterioration of the situations in Libya and Côte d'Ivoire into armed conflict. There have been serious allegations of violations of the rules regulating the conduct of hostilities in both these countries. As I reported to the Council yesterday in my briefing on Libya (see S/PV.6530), civilians continue to be killed and injured by fighting between Government and opposition forces, especially in Misrata and the Western Nafusa mountains. Indiscriminate rocket and mortar attacks on densely populated areas of Misrata, as well as sniper attacks, continue to cause civilian casualties. There are also concerns over civilian casualties resulting from coalition air strikes.

The fighting in Misrata has limited the population's access to food, water and other basic commodities. Medical facilities are short of supplies and trained personnel. This is particularly troubling given the continuous heavy fighting in the city, as are reports of attacks on ambulances transporting the wounded to these facilities. The shelling and mining of Misrata port is also hampering efforts to supply urgently needed aid and to evacuate those, including the sick and wounded, who want to leave. I will continue to call upon all parties to agree to a temporary cessation of hostilities in Misrata on humanitarian grounds, to allow those who wish to flee to do so, and to enable humanitarian personnel to comprehensively assess the situation and bring more aid.

In Côte d'Ivoire, November's post-election crisis degenerated into a conflict marked by increased violence that seriously affected the civilian population. Direct attacks against civilians, indiscriminate shelling, sexual violence, and attacks against humanitarian workers and peacekeepers have all been reported and must be investigated without delay. There are still an estimated 150,000 internally displaced people in western Côte d'Ivoire and a further 177,500 Ivorians registered as refugees in several West African nations, including nearly 160,000 in Liberia, though these numbers change as people move back and forth across the border.

At the height of the violence, humanitarian workers experienced immense difficulty in accessing people in need due to the fighting and to the checkpoints and blockades established in Abidjan by the parties to the conflict. These checkpoints and blockades were often the scene of the harassment and obstruction of humanitarian workers. The situation was further compounded by attacks on United Nations peacekeepers and the theft of humanitarian vehicles, equipment and supplies. Humanitarian organizations were forced either to limit their movements or to suspend activities altogether. While the violence has subsided, the humanitarian situation remains precarious and our access to those in need in Abidjan and elsewhere continues to be hampered by pockets of instability due to violence by militias.

In Libya, the reported use of cluster munitions and Grad rockets by Government forces in Misrata marks the latest development in a broader pattern of the use of explosive weapons in densely populated areas by Government, as well as opposition and coalition forces. In one incident alone on 14 April, an attack involving Grad rockets reportedly killed a dozen civilians and wounded many more as they queued to buy bread. In Côte d'Ivoire, at least 25 civilians were killed and more wounded in a single incident on 17 March in which a market was shelled in the Abobo district of Abidjan.

Explosive weapons have an immediate and indiscriminate impact, killing and injuring those caught in the blast radius, including civilians, while the damage to buildings and infrastructure hampers longer-term reconstruction and development. I reiterate my call on parties to conflict to refrain from the use of these weapons in densely populated areas.

While Libya and Côte d'Ivoire have recently occupied the headlines, civilians in other conflicts continue to be killed and injured as the parties fail to comply with their obligations in the conduct of hostilities.

In Somalia, civilians continue to bear the brunt of fighting between militants and forces of the Transitional Federal Government and the African Union. During 2010, over 7,000 civilians reported weapons-related injuries in Mogadishu — the highest number of civilian casualties in a decade. Children accounted for 20 per cent of those injured.

In eastern Democratic Republic of Congo, conflict persists, with direct attacks against civilians by foreign and Congolese armed groups. Some elements of the national security forces continue to be implicated in these violations. Sexual violence, including rape, remains a defining characteristic of the conflict. At the end of 2010, some 1.7 million people remained internally displaced, 1.3 million of them in the Kivus. In the north-east of the country, the Lord's Resistance Army (LRA) continues to pose a grave threat to civilian populations, as well as in neighbouring Central African Republic and southern Sudan. During the first quarter of this year, 107 LRA attacks — which routinely include the killing, rape, beating and abduction of civilians — were reported across the three countries.

In southern Sudan, following the relative stability of January's referendum, the security situation has deteriorated sharply. Intercommunal conflict and clashes between the Sudan People's Liberation Army (SPLA) and increasingly active militia groups have reportedly killed over 1,100 people, the majority civilians, and displaced over 116,000. Reports indicate that SPLA soldiers have targeted or fired indiscriminately at civilians and burned and looted homes. In Darfur, fighting between Government and rebel forces remains a major source of insecurity and displaced an estimated additional 70,000 people during the first three months of this year.

In Colombia, civilians continue to be affected by the armed conflict and the actions principally of guerrilla groups and new armed groups that have emerged following the demobilization process. These groups continue to use landmines and improvised explosive devices, with over 150 civilians killed or injured by such weapons in 2010. Civilians have been killed and injured in attacks against military units located in and around homes and schools. The Government estimates that over 111,000 people were forcibly displaced last year due to the conflict, bringing the total number of internally displaced persons to 3.6 million.

March and April of this year witnessed an escalation in violence in Gaza and southern Israel, with one Israeli child killed and three Israelis injured. Fifteen Palestinian civilians, including six children, were killed and 104 injured, 37 of them children.

In Afghanistan, over 7,000 civilians were killed or injured in 2010 — an increase of 19 per cent over 2009. Anti-Government elements were reportedly responsible for over 5,000 of those deaths and injuries. Military operations by pro-Government forces accounted for some 800 civilian casualties. Improvised explosive devices and suicide attacks in civilian areas continue to cause large numbers of civilian deaths and injuries. The Taliban's declaration on 1 May of the start of a spring offensive is of great concern.

The recent report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka found that some 40,000 civilians may have died in the final stages of the conflict and that credible allegations existed of human rights and humanitarian law violations by both parties to the conflict. Some of those violations may amount to war crimes and crimes against humanity. International law requires that these allegations be properly investigated.

When it comes to protecting civilians in the conduct of hostilities, the picture is stark. It will remain so in the absence of determined efforts by parties to conflict to comply with the law. Clear and binding rules regulating the conduct of hostilities exist. It is the willingness of parties to conflict to respect and ensure respect for those rules, including through the rigorous pursuit of accountability, that is absent.

Enhancing compliance with international law, particularly in the conduct of hostilities, is the first of the five core challenges identified in the last two Secretary-General's reports on the protection of civilians (S/2010/579 and S/2009/277). As those reports made clear, aside from the fundamental responsibility on all the parties to conflict themselves, the Security Council too has a responsibility to promote compliance: first, by using all available opportunities to condemn violations and to remind parties of, and demand compliance with, their obligations; secondly, by applying targeted sanctions against the leadership of parties that routinely violate their obligations to respect civilians; and, thirdly, by promoting accountability, including by mandating commissions of inquiry to examine situations where concerns exist regarding serious violations, with a view to identifying the perpetrators and ensuring their prosecution at the national level, or referring the situation to the International Criminal Court (ICC).

The Council's responses to the crises in Libya and Côte d'Ivoire have raised questions that need to be addressed. First, in terms of consistency of approach, resolution 1970 (2011) on Libya essentially followed the course laid out by the Secretary-General in the reports to which I have just referred. The Council condemned the violations, demanded compliance with the law, imposed the arms embargo and targeted sanctions and referred the situation to the ICC. The latter action in particular is believed to have prompted some in positions of power in Libya to reflect on their role in the violence and, subsequently, to defect from the Government. It is not clear whether the imposition of similar measures in regard to Cote d'Ivoire, and at an earlier stage of the crisis, might have prompted similar action by influential individuals and prevented the further deterioration of the situation.

The adoption of resolution 1973 (2011) on Libya and the authorization and subsequent use of force and other measures to protect civilians has prevented civilian deaths and injury. But it has also raised concerns in terms of the potential undermining of the protection of civilians agenda and its important role in providing a framework for action in future crises. In addition to complying scrupulously with international humanitarian law, the implementation of the Council's decision must be exclusively limited to promoting and ensuring the protection of civilians.

The events of the past few months have provided a compelling reminder of the fundamental and enduring importance of the Council's protection-of-civilians agenda. Moreover, they have underscored the need to ensure that the commitments therein, as expressed in the five thematic protection-of-civilians resolutions and the aide-memoire (see S/PRST/2010/25), translate into concerted Council action in response to violations of the law as we have seen in Côte d'Ivoire and Libya, Afghanistan, the Democratic Republic of the Congo and Somalia.

Demanding compliance with the law and enforcing such demands through targeted sanctions are critically important actions that the Council can take to enhance compliance. The Council also has a key role in promoting genuine accountability for serious violations, the absence of which serves to encourage rather than deter violations. The Council must be comprehensive and consistent in its approach and consider all situations requiring attention and action.

The President (*spoke in French*): I thank Ms. Amos for her briefing.

I now give the floor to Mr. Alain Le Roy.

Mr. Le Roy (*spoke in French*): I would like to thank the Security Council for this opportunity to brief it on the recent efforts of the Department of Peacekeeping Operations to better protect civilians in the framework of the seven peacekeeping operations with such a mandate, which daily respond to constantly evolving challenges. There have been several significant developments since the Council last debated this issue, on 22 November 2010 (see S/PV.6427).

We have of course maintained regular dialogue with Member States on this important issue, and in particular with the Special Committee on Peacekeeping Operations — the so-called Committee of Thirty Four (C-34). This year, the Committee has held several useful in-depth discussions on this issue. We have developed a strategic framework for the protection of civilians that includes the use of the political process to provide protection, protection against physical violence and the medium- and long-term establishment of an environment in which the rights and security of civilians are protected. The C-34 has taken stock of the progress that has been made, in particular in the areas of training, supporting missions in developing strategies to protect civilians and identifying the necessary resources and capacities to carry out mandates to protect civilians. We have been encouraged to continue to work with missions to improve our implementation of protection mandates, in particular by improving coordination both at Headquarters and in the field and by evaluating how tools such as benchmarks can help to measure the progress made in protecting civilians.

With regard to direct physical protection by peacekeeping operations, it seems to me important to point out that, during the deliberations of the Special Committee, some Member States expressed concerns with regard to relations between missions and host Governments when it comes to protecting civilians. Those concerns focused on host Governments' primary responsibility to protect civilians, as well as no the fact that peacekeeping operations are there to support the authorities of the host country to that end. The Department of Peacekeeping Operations continuously reiterates that Security Council mandates for the protection of civilians do not take the place of sovereign responsibilities. The protection of civilians is, and will continue to be, primarily the responsibility of the host Government. Allow me to give some examples in that regard.

In Côte d'Ivoire, as the Council is aware, the United Nations Operation implemented the robust provisions of resolution 1975 (2011), which required the use of all necessary means to prevent the use of heavy weaponry against civilians. As in the past, the Mission today continues to carry out its clear mandate to protect civilians.

In the Democratic Republic of the Congo, the United Nations Organization Stabilization Mission continues to improve its methods — through temporary bases, its well-known joint protection teams, its liaison officers to various populations groups and many other means — to provide additional and improved protection to civilians on a daily basis. In the past month, the Mission has achieved a certain degree of success in combating impunity for those who perpetrate violence against civilians.

Similar efforts are being undertaken in the other missions with protection-of-civilian mandates, namely, in Liberia, Haiti, Lebanon, South Sudan and, of course, Darfur. With regard to the latter, members may perhaps have taken note of the recently improving access by humanitarian workers to the Jebel Marra region.

(*spoke in English*)

As we plan for the United Nations role in South Sudan, we see that the protection of civilians will play an important role in the context of supporting State authority. With the primary objective of strengthening the capacity of the nascent Government of South Sudan to assume its sovereign responsibilities, and taking into consideration the requirement to protect civilians in what is still a potentially volatile security environment, we have looked at how the successor to the United Nations Mission in the Sudan (UNMIS) could provide the required support during this critical time.

The Mission's potential role in protecting civilians is not about replacing the Government of South Sudan's responsibility in this respect, but about assisting it to protect civilians where it does not have the capacity to do so. In this regard, many elements, including civilian peacekeepers, have a critical role to play. We count on members of the Security Council and other Member States to ensure that the successor mission to UNMIS will have the adequate capabilities — inter alia, in terms of mobility and engineering — to fulfil this important mandate.

Supporting host Governments to ensure that their civilians are protected in the immediate aftermath of conflict is, as we all know, an immensely complex endeavour. On our end, we are working closely with our missions, as well as with the Member States that contribute troops and police to them, to improve both our understanding and our implementation of protection of civilian mandates. To this end, we have now finalized guidance to assist missions in developing comprehensive protection of civilians strategies and developed scenario-based protection of civilians training modules, and we will soon be consulting with troop and police contributors on a detailed matrix that identifies the resources and capabilities required for the implementation of protection of civilians mandates. We will be undertaking additional initiatives to ensure that this work translates into improved protection in the areas in which we work.

These efforts must be complemented by the Council's sustained political support. The protection of civilians in United Nations peacekeeping operations is often carried out in extremely challenging circumstances, in many cases with tremendous political complexities. Ultimately, the protection of civilians is assured by stable political outcomes, and the Security Council's role in ensuring that parties stay on the path to peace is always critical. The Council's role in helping us to ensure that we have the right and adequate capabilities to implement this kind of mandate is, of course, critical. The Council's unflagging support in these situations is a sine qua non if we are to take forward our mandated tasks and improve the lives of civilians whom we are deployed to support.

The President (*spoke in French*): I thank Mr. Leroy for his briefing.

I now give the floor to Mr. Šimonović.

Mr. Šimonović: I appreciate this opportunity to address the Security Council on the issue of ensuring greater protection of civilians in situations of armed conflict, on behalf of the High Commissioner for Human Rights. Since this matter was last discussed at the Council, in November 2010, the dramatic unfolding of events in the Middle East, North Africa and Côte d'Ivoire has clearly illustrated that the denial of human rights — including civil, cultural, economic, political and social rights — is a root cause of discord, unrest, violence and, ultimately, armed conflict. Protecting human rights prevents conflicts, and accountability for violations of human rights breaks the cycle of violence.

Let me start by turning to three situations where the United Nations has no peace mission but where there is an immediate risk to human life or a need to establish accountability for human rights violations.

The first of these is Libya. Concern for the safety of civilians in Libya led this Council to authorize all necessary measures to protect civilians and to refer the situation to the International Criminal Court. In order to minimize civilian casualties, it is critical that all parties to the conflict fulfil their obligations to confine any attacks to military objectives.

In a related effort to establish accountability, the Human Rights Council mandated an international commission of inquiry to investigate alleged violations of international human rights law. Supported by a secretariat led by the Office of the High Commissioner for Human Rights (OHCHR), the commission of inquiry recently concluded investigative missions to Libya, Egypt and Tunisia. The commission will submit its report to the Human Rights Council next month.

In Syria, we must prevent the ongoing violent suppression of mass protests from plunging the country into a full-fledged armed conflict. At the request of the Human Rights Council, our Office is preparing to dispatch a mission to Syria to investigate alleged violations of international human rights law. A preliminary report will be provided to the Human Rights Council in June, and full findings in September.

Also in the context of the fight against impunity, we welcome the recent release of the report of the Secretary-General's Panel of Experts on accountability in Sri Lanka, which concludes that there are credible allegations of a wide range of serious violations of international law committed by both Sri Lankan Government forces and Tamil Tigers in the final stages of the conflict. We urge the Government to implement the measures recommended by the Panel in order to bring relief to victims and advance longer-term reconciliation. We fully support the recommendation to establish an international mechanism to monitor national investigations and undertake its own, as necessary.

I would now like to mention briefly several other situations of current concern, where United Nations missions mandated by this Council already exist but where civilians remain at risk and where the question of accountability for violations of human rights requires attention.

The first is Côte d'Ivoire, where we remain concerned about reports of sporadic fighting between pro-Gbagbo militias and the Forces Républicaines and of associated civilian casualties, including in the Yopougon district of Abidjan, where on Friday the human rights division of the United Nations Operation in Côte d'Ivoire found 68 bodies in several mass graves. The Government of President Ouattara must urgently adopt measures to restore the rule of law throughout Côte d'Ivoire and to investigate and prosecute all those responsible for the recent and ongoing violations, regardless of their political affiliation.

The international commission of inquiry on Côte d'Ivoire that was mandated by the Human Rights Council arrived in the country on 4 May. It will conduct field investigations across Côte d'Ivoire and neighbouring countries and will present its findings to the Human Rights Council in June. OHCHR has established a secretariat to assist the commissioners, comprised of staff from our Office, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict, and UN Women. As requested in Security Council resolution 1975 (2011), the report of the commission of inquiry will be transmitted to this Council.

These accountability measures must be accompanied by further reconciliation efforts. President Ouattara has requested OHCHR to advise the Government on the establishment of a truth and reconciliation commission, and we are in contact in this respect.

In the Democratic Republic of the Congo, in follow-up to the recent mapping report, the Government is preparing to establish a special chamber to investigate serious violations of international law, including mass killings, sexual violence and displacement, and to prosecute the perpetrators. However, as we have recently discussed with the Minister of Justice, the current draft law needs to be amended to guarantee the inclusion of a sufficient international component and to protect the independence and integrity of the process.

Let me now touch upon two further situations ahead of the Security Council's upcoming mission. In the case of Somalia, there is an urgent need to identify ways to strengthen protection of civilians in a highly insecure environment, including through reinforcing the capabilities of the existing peacekeeping forces on the ground. In the case of South Sudan, in defining a new mandate, detailed information on the human rights situation in all parts of the country should be taken into account. Equally important is the inclusion of robust language on human rights protection and promotion.

Let me conclude. In recent years, almost every integrated peace mission has included a human rights component, appropriately reflecting our shared conviction that the maintenance of peace and security depends upon respect for human rights. This positive development must continue. The human rights components contribute to the protection of civilians in numerous ways, including through monitoring, public reporting and building the capacity of national authorities to strengthen respect for human rights and the rule of law. As far as sexual violence is concerned, the scale of the problem requires reinforced efforts. In accordance with the letter and spirit of Security Council resolutions 1888 (2009) and 1960 (2010), OHCHR is in discussion with all relevant United Nations partners regarding the possibility of women protection advisers being located within the human rights components.

Finally, let me commend this Council for its swift and decisive actions to promote the protection of civilians and to ensure accountability, which have undoubtedly helped to prevent further violations of human rights and international humanitarian law. Wherever the Council establishes or renews the mandate of a peace mission, it is important to take into account the human rights situation. OHCHR stands ready to provide such information through the various Security Council mechanisms, especially the Security Council's informal Expert Group on the Protection of Civilians.

The President (*spoke in French*): I thank Mr. Šimonović for his briefing.

Given the large number of representatives who wish to take the floor, I would urge all speakers to speak succinctly and to circulate the full versions of their statements. I would like to remind all speakers that brevity and clarity often go hand in hand.

I now give the floor to the members of the Council.

Mr. Parham (United Kingdom): Let me begin by thanking Under-Secretary-General Amos, Under-Secretary-General Le Roy and Assistant Secretary-General Šimonović for sharing their thoughts with the Council today.

Civilian protection has taken on a new significance in recent months as worrying security situations and reports of human rights abuses in a number of countries continue to attract worldwide attention. Such situations warrant decisive action by the United Nations and the wider international community. In time, thorough investigations of abuses should take place and all those responsible must be held accountable for their actions.

Many of the concerns raised during the course of today's briefings are shared by the United Kingdom. On Libya, the case for taking action to protect the civilian population remains compelling. Al-Qadafi's regime is still inflicting severe violence on Libya's civilian population. The United Kingdom has been consistently clear that the action being undertaken by the coalition forces is to protect the civilian population on the ground in Libya. Security Council resolution 1973 (2011) provided a legal basis for that action, expressly authorizing the use of force to protect civilians. We are ensuring carefully that our actions accord with the Security Council resolutions and our other international obligations and that they are designed precisely to protect civilians and to minimize civilian casualties.

This year, the United Kingdom supported resolutions of the United Nations Human Rights Council on both Libya and Côte d'Ivoire, which established commissions of inquiry into alleged human rights abuses in the two countries. In both cases, we believe that all abuses of human rights should be thoroughly investigated and the perpetrators held accountable.

All parties to a conflict have obligations to respect international humanitarian law and to permit humanitarian organizations access to affected civilians. In Côte d'Ivoire, the United Kingdom strongly supports the robust posture of the United Nations Operation in Côte d'Ivoire (UNOCI) and its approach in implementing its mandate to prevent the use of heavy weapons and to protect civilians during the recent crisis. We believe that UNOCI took a pioneering step in increasing its level of responsibility for civilian protection, and, of course, it did so with the authorization and support of this Council.

Despite the best efforts of the Syrian Government to suppress media coverage, we have witnessed the repeated and deliberate targeting of civilians and the use of tanks and other heavy weaponry against peaceful protesters. The United Kingdom utterly condemns the violence perpetrated by the Syrian security forces against civilians who are expressing their views in peaceful protests. We welcome the resolution passed by the Human Rights Council during its sixteenth special session, which unequivocally condemned the use of lethal violence on peaceful protesters by the Syrian authorities.

Allow me to take a few moments to consider some topics that no longer feature as prominently under the spotlight of the world's media.

We welcome the report of the United Nations Panel of Experts on Sri Lanka and its comprehensive investigation into allegations of violations of international humanitarian and human rights law by both sides during the military conflict, which ended in May 2009. We hope that the Government of Sri Lanka will respond constructively to the recommendations in the report, given the suffering of civilians during the conflict and the need for a process of national reconciliation.

In Burma, the United Kingdom remains deeply concerned about reported attacks on civilians by the Burmese army in ethnic minority areas. We call upon the Burmese army and ethnic militia to make every effort to protect the civilian population and to bring to account those responsible for human rights abuses against them.

We need to redouble our efforts to ensure that humanitarian access is not impeded. We know that restrictions on access and attacks against aid workers are two of the biggest challenges in delivering humanitarian aid in the twenty-first century. Unfortunately, from Libya to the Sudan and from Syria to Côte d'Ivoire, access by humanitarian agencies to the most vulnerable has been hindered, and lives have been lost as a result.

I would like to conclude by paying tribute to the work of the United Nations peacekeepers, whose job is to help protect vulnerable civilians around the world. I am sure that all of us here today will want to express our thanks for their continuing efforts.

Mr. Churkin (Russian Federation) (*spoke in Russian*): We are grateful to Ms. Amos, Mr. Le Roy and Mr. Šimonović for their briefings.

The issue of the protection of civilians holds a prominent place on the Security Council's agenda. We welcome regular discussion of the topic and the close attention to the various aspects of the protection of civilians when setting up and extending country mandates. We also consider useful the recent initiative of Brazil on holding consultations on all questions of protection on the Council's agenda. In our view, that helps the Security Council to develop a comprehensive approach to the issue of protecting civilians and to avoid duplication in the work of the various bodies of the Secretariat.

Despite all the efforts to protect civilians, thousands of people die during conflicts, as before. Moreover, the majority of civilian casualties are children, women and the elderly, who are generally considered vulnerable groups. Recently, our attention has focused on a number of country situations where the issue of the protection of civilians is particularly acute. I am referring primarily to Afghanistan, Libya and Côte d'Ivoire.

We resolutely condemn premeditated attacks on civilians, as well as civilian deaths resulting from the indiscriminate or disproportionate use of force, which is a flagrant violation of international humanitarian law. We advocate thorough investigation of such incidents and punishment of the perpetrators. That also applies to the activities of private security groups, which quite often violate the rights of the civilian population. Under the norms of international law, the responsibility for the actions of such groups lies with the States that hire them. In that regard, we welcome the recent decision of the United Nations Human Rights Council on drawing up a draft international legal document on the human rights aspects of the activities of such security groups.

Certainly, the Governments of States involved in conflicts bear the primary responsibility for protecting the population living on their territory. At the same time, all parties to armed conflict are responsible for the security of civilians. The activities of the international community should assist national efforts in that area. Moreover, undertaking such international measures, in particular those involving the use of force, is possible only with the authorization of the Security Council, in strict compliance with the United Nations Charter and within the framework established by the relevant Security Council resolutions.

In the light of the ambiguous experiences in protecting civilians during peacekeeping operations sanctioned by the Security Council, we believe that it is necessary once again to clearly reaffirm that it is unacceptable for United Nations peacekeepers to be drawn into armed conflict and, in effect, to take the side of one of the parties when implementing their mandate.

The noble goal of protecting civilians should not be compromised by attempts to resolve in parallel any unrelated issues. In that regard, we share the concern expressed today by Ms. Amos with regard to the situation in Libya. The statement by a representative of the coalition with regard to resolution 1973 (2011) is not in line with the reality.

In conclusion, we would like to mention one other issue that, in our view, is important. We believe that the protection of civilians is crucial not only during the acute phase of an armed conflict. Following the cessation of active hostilities, the phase of political settlement and peacebuilding begins. At that time, civilians frequently fall victim to various armed groups, looters and forces that have not yet disarmed. We believe it extremely important to avoid the emergence of distinct security vacuums during the period of transition from armed conflict to peacebuilding. Ensuring the security of the civilian population during the peacebuilding period is primarily the responsibility of the relevant State. The task for the United Nations is to provide active support in establishing law-enforcement structures to counter crime.

Mr. Manjeev Singh Puri (India): I would like to thank you, Sir, for organizing today's debate on the protection of civilians, which in our view is very timely and relevant. I would also like to thank the

Department of Peacekeeping Operations (DPKO), Under-Secretary-General Valerie Amos and Assistant Secretary-General Ivan Šimonović for their useful briefings and statements. Indeed, in my opinion, the very presence here of representatives of those three organs of the United Nations allows us to place our discussions and debate in the right context.

It has been India's consistent view that the foremost responsibility of every State is to protect its population. In fact, one of the cardinal provisions of the Indian Constitution is that the right to life is one of the fundamental rights of all citizens, from which no derogation is permissible, even in times of emergency.

India has demonstrated its commitment to that right at the international level as well. India has contributed more troops to peacekeeping operations than any other Member State. Our troops and police officers have been at the forefront of turning this Council's word into deed. They were protecting civilians long before the term became common usage in the Council. More than five decades ago, Indian soldiers defended the civilians of the Congo as part of the United Nations mission. Our contribution continues today in the Democratic Republic of the Congo and in other United Nations missions.

We have remained at the cutting edge of many United Nations operations in places where civilians were under threat. Today, we have a female formed police unit — the first such formation composed entirely of women — in the United Nations Mission in Liberia. Thus, India brings to this table a quantum of experience in actually protecting civilians in peacekeeping missions that is unique in its relevance, variety and depth.

We have also participated actively in the normative debates of the Council and the General Assembly on protection issues. In that tradition of constructive engagement, a seminar held recently in New Delhi broke new ground in drawing from the operational experience of peacekeepers to further evolve that agenda. I am very glad to see that our colleague from DPKO was present in New Delhi at the time of that seminar.

An enormous amount of the Council's attention has been focused recently on protection issues, with the Council adopting a number of resolutions and statements on the protection of civilians and related issues of violence against women and children in situations of armed conflict. In bringing those protection issues within the purview of matters relating to international peace and security, the Council has placed them squarely at the centre of the conflict resolution and peacekeeping agenda. That intense focus has, in some situations of conflict, shifted attention from the tried and tested methods of mediation and negotiation that are the staples of conflict resolution.

When applied as a basis for Security Council action, efforts to protect civilians must respect the fundamental aspects of the United Nations Charter, including the sovereignty and integrity of Member States. Any decision to intervene that is associated with political motives detracts from that noble principle and needs to be avoided. Also, the response of the international community must be proportional to the threat, involve the use of appropriate methods and make adequate resources available.

It is important that the principle of protecting civilians be applied in a uniform manner. In the case of conflict, all sides need to abide by it. We must also be clear that the United Nations has a mandate to intervene only in situations where there is a threat to international peace and security. Any decision of the Council to intervene must be based on credible and verifiable information, which in turn requires much greater information flows when the Council is seized of a situation.

In that context, I cannot but ask the question: *Quis custodiet ipsos custodies*? Who watches the guardians? There is a considerable sense of unease about the manner in which the humanitarian imperative of protecting civilians has been interpreted for actual action on the ground.

Let me now turn to the question of protecting civilians in peacekeeping missions. In the view of my delegation, the central issue in the implementation of the protection agenda is the question of resources. The resources that are being made available to current peacekeeping operations so as to fulfil those ambitious objectives are simply insufficient.

It is also important that expectations regarding the work of peacekeepers be realistic and take into consideration the multiple resource constraints under which they function. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, for example, has one peacekeeper for every 1,500 square kilometres. The Mission lacks enabling assets to allow the existing complement of peacekeepers to move and deploy in the areas of operation. The manner in which those Missions are being made to operate on shoestring budgets and being constantly asked to do more with less does not augur well. All efforts of the Council to further the protection agenda will come to naught if that resource gap is not addressed.

In conclusion, my delegation would like to stress that force is not the only way of protecting civilians. It should be only the measure of last resort and be used only when all diplomatic and political efforts fail. There can be no substitute for national will and national efforts in creating an environment where civilians are secure. The efforts of the Council and the international community must be directed at assisting national authorities in developing those capabilities. That is the only sustainable method of protecting civilians because, as I said at the beginning of my statement, the foremost responsibility of every State is to protect its civilians.

Mrs. Viotti (Brazil): We commend the French presidency for holding today's important debate. We are grateful to Under-Secretaries-General Valerie Amos and Alain Le Roy and Assistant Secretary-General Ivan Šimonović for their presentations. We welcome the opportunity for the Council to exchange views with the wider membership on the transformation of the civilian protection landscape over the past few months.

The protection of civilians in armed conflict is one of the crucial challenges of our time. In the Security Council and other forums, Brazil has sought to contribute to the United Nations efforts in that area. Last February, during the Brazilian presidency of the Security Council, we organized a meeting aimed at considering all dimensions of the protection agenda (see S/PV.6479).

The protection of civilians is a humanitarian imperative. It is a distinct concept that must not be confused or conflated with threats to international peace and security, as described in the Charter, or with the responsibility to protect. We must avoid excessively broad interpretations of the protection of civilians, which could link it to the exacerbation of conflict, compromise the impartiality of the United Nations or create the perception that it is being used as a smokescreen for intervention or regime change. To that end, we must ensure that all efforts to protect civilians be strictly in keeping with the Charter and based on a rigorous and non-selective application of international humanitarian law.

Whenever possible, the protection of civilians should be pursued through peaceful and preventive means. Those include dialogue with the local populations, compliance with international humanitarian law, coordination with humanitarian actors and diligent monitoring and reporting. In some cases, coercive measures may be necessary to protect civilians. Nevertheless, the use of force must always be a last resort. We must take the greatest care to ensure that our actions douse the flames of conflict instead of stoking them.

When the Council does authorize the use of force, such as in the case of Libya, we must hold ourselves to a high standard. The Council has a responsibility to ensure the appropriate implementation of its resolutions. Force must be used carefully, with due regard for the principle of proportionality and in strict accordance with the terms of the authorization. The use of force to protect civilians does not abrogate international law, but underlines the need for strict adherence to it.

Moreover, just as peacekeepers must be accountable for their actions and omissions in the cause of protection, Member States, too, must be clear on how they are fulfilling the mandate they have received from the Council. In the same vein, the use of force by peacekeepers to protect civilians must be carried out with utmost restraint. This is necessary to ensure that blue helmets are not perceived as parties to the conflict. Avoiding such a perception is crucial for the continued success of peacekeeping. Trust in the Organization's impartiality is indispensable for it to constructively contribute to sustainable political solutions to conflict, which is the ultimate goal of United Nations peacekeeping.

Protecting civilians is one of the most important ways in which the Organization gives expression to its ultimate objectives, as set out in the Charter. The United Nations has made great strides in this area, both in the Council and in other forums. Going forward, we must continue to advance the protection agenda, focusing on the five core challenges identified by the Secretary-General in 2009.

Brazil supports a consensual, non-selective approach to ensure the protection of civilians around the world. In the Council, in the General Assembly and in the field, we remain committed to finding solutions to the dilemmas of protection.

Mr. Barbalić (Bosnia and Herzegovina): Thank you, Mr. President for organizing this important debate. I wish to extend my gratitude to Under-Secretary-General Amos, Under-Secretary-General Le Roy and Assistant Secretary-General Ivan Šimonović for their important, irreplaceable work and of course for their valuable briefings at today's meeting.

The issue of the protection of civilians in armed conflict is one to which Bosnia and Herzegovina attaches great importance. Unfortunately, serious and constant violations of international humanitarian law and human rights law and deteriorating situations, including systematic violence against civilian populations, have continued during the reporting period in many countries. Civilians are still, and too often, targets in armed attacks and atrocities and are victims of human rights abuses, in particular rape and other sexual violence. It is the unfortunate and unacceptable reality of our times that civilians continue to be a main target for armed attacks and account for a high number of casualties in conflicts.

Regrettably, in 2010 and during the first quarter of 2011, we have witnessed a continuous and significant increase in civilian casualties in a number of countries, including Afghanistan, Iraq, Somalia, Côte d'Ivoire and Libya. The list certainly does not end there. Bosnia and Herzegovina strongly condemns such violence and finds it both appalling and unacceptable.

In response to some of the violations that occurred in the most recent period, the Security Council took concrete steps relating to the protection of civilians, the first one being the adoption of resolution 1973 (2011), which authorized all necessary measures to protect civilians in Libya, and the second being the adoption of resolution 1975 (2011), which imposed sanctions on former Ivorian President Laurent Gbagbo and his circle and authorized the United Nations Operation in Côte d'Ivoire to prevent the use of heavy weapons against the civilian population.

When it comes to the situation in Libya, we are gravely concerned over the references in the recent report of the Prosecutor of the International Criminal Court to serious violations of international humanitarian law and human rights in the country. We condemn in the strongest possible terms artillery shelling and sniper fire aimed at civilians and civilian buildings. In this context, we reiterate that full implementation of resolutions 1970 (2011) and 1973 (2011) is of the utmost importance and that obligations deriving from those resolutions are not optional.

With regard to the situation in the Ivory Coast, we also reiterate our deep concern over the reported serious violations of human rights and the use of disproportionate force. We are alarmed by the deteriorating humanitarian situation in the country, where more than a million people have reportedly been internally displaced and more than 100,000 had to flee the country and find shelter in Liberia. We urge the international community to redouble its efforts and provide the much-needed humanitarian assistance. Allegations of the existence of mass graves in the country are worrisome and must be investigated. We condemn the use of sexual violence as a means to political ends and welcome the decision of the Human Rights Council to establish an independent international commission of inquiry.

We urge all parties to armed conflicts to fully comply with their obligations under international humanitarian law concerning the protection of civilians in armed conflict. We particularly underline the need to combat impunity for perpetrators of violence against civilians. The struggle against impunity is an integral element in the protection of civilians that cannot be addressed seriously without prosecuting those responsible for serious crimes. Sanctions and other targeted measures play an important role in overall efforts, as well as in initiatives to improve compliance with the law by non-State armed groups. The Security Council should take every opportunity to send a message that crimes committed against civilians are unacceptable and that all perpetrators of grave violations of human rights and international humanitarian law will be brought to justice.

Conflicts remain the major cause behind the increasing numbers of refugees and internally displaced persons. In that context, we are deeply concerned about the unsafe and too-often impeded humanitarian access to populations affected by conflict. We are also troubled by attacks against humanitarian workers, which must be strongly condemned. We believe that the Security Council should take a more consistent and comprehensive approach to addressing constraints on humanitarian access and should ensure accountability for grave instances of denial of access.

The challenges facing the Council with regard to the protection of civilians call for greater international cooperation and better coordination between the Council and other United Nations bodies and agencies. To that end, additional efforts should be made to prevent conflicts and their recurrence and to promote early-warning systems and effective responses to situations that specifically threaten civilian populations. Although the primary responsibility for the protection of civilians lies with States and parties to an armed conflict, the United Nations, with its systematic approach to the protection of civilians, must be, and is, at the helm of the global effort.

We believe that more comprehensive and detailed information on the protection of civilians in country-specific situations is needed. Measuring progress in the implementation of peacekeeping mandates related to the protection of civilians must be improved. We support the recommendations of the Secretary-General made in the most recent report asking for the systematic application of the aide-mémoire on the protection of civilians and active use of the Council's informal Expert Group on the Protection of Civilians to discuss peacekeeping and other mission mandates.

In conclusion, I would like to underline that Bosnia and Herzegovina attaches the utmost importance to the protection of civilians in armed conflict.

Mr. Cabral (Portugal): I join previous speakers in thanking our briefers today, and you, Sir, for convening this timely debate.

In the last few months, civilians have been under attack in several parts of the world. Civilians continue to represent the majority of the victims of conflict. They are not only affected by conflicts, but very frequently are deliberately targeted by the different parties. Women are too often subjected to sexual violence used as a tactic of war. Children are too often killed or maimed or used in armed conflict. Widespread violations of human rights and international humanitarian law in times of war contribute to fuelling instability, violence and conflict.

Portugal condemns all attacks directed against civilians in Libya; in Côte d'Ivoire; in the Democratic Republic of the Congo, where the Lord's Resistance Army regularly carries out attacks against villages; in Afghanistan or Iraq, where weapons and explosive devices cause so much civilian suffering; or in Syria, where intense violence has resulted in over 500 people killed and thousands of others injured.

Learning from past situations such as Rwanda or Srebrenica, it is clear that the Security Council must pay persistent attention to the plight of civilians in crisis and that it must act promptly when indiscriminate attacks against the civilian population take place. When civilians are under threat, the United Nations, and the Security Council in particular, must respond.

We should recognize that the overall attention of the Security Council to issues related to the protection of civilians has been increasing. The Council has the necessary normative framework and tools at hand to guide its action in this area in an effective and accountable manner. A number of peacekeeping missions have been established with strong protection mandates. Specific training courses have been deployed by the Department of Peacekeeping Operations to enhance the understanding of the concept of the protection of civilians. Local strategies and improved engagement with the communities have been devised, and all these tools have had a significant impact on enhancing the protection of civilian populations.

In his report to the Council last November (S/2010/579), the Secretary-General referred to the need to identify new and innovative ways to address specific situations that are not on the agenda. We fully agree. When the protection of civilians has been at stake, we have found creative ways to bring the issue to the attention of this body and to take action. Resolutions 1970 (2011) and 1973 (2011) are perhaps the most striking examples of swift action by the Council to respond to a situation that was not formally on its agenda but where civilians were targeted. But more can be done — and more consistently — to convey effective political signals using existing tools at the disposal of the Council, such as press statements, presidential statements, resolutions, briefings and consultations.

Indeed, we need to be realistic. The prevention of conflict is always the most effective way to protect civilians. That explains why reliable early-warning information on threats to civilians is crucial.

Preventive measures are core elements of resolution 1894 (2009) and important pillars of the responsibility to protect. In this regard, we would like to underline the value of practical but very effective preventive measures that are now in place in a number of peacekeeping missions to ensure timely action, for instance telephone hotlines. But other measures can be devised, including to support the efforts of civilian populations to protect themselves, through education and training programmes, while engaging State authorities, who retain the primary responsibility for protection.

Another aspect that is crucial — and that was rightly examined in the Secretary-General's report — is the need to enhance accountability for violations of humanitarian and human rights law. Countering impunity, either by the action of international institutions such as the International Criminal Court or by the actions of national institutions, has a deterrent effect at the national, regional and international level, and is a fundamental tool to prevent further violations. In this respect, Portugal would like to underline once again the important role of the International Criminal Court in fighting impunity for the most serious crimes and encourages all efforts to promote the universalization of the Rome Statute.

We would also highlight the crucial role that the Human Rights Council is playing in the fight against impunity. Two international commissions of inquiry, on Côte d'Ivoire and on Libya, have recently been dispatched to investigate human rights violations, to establish the facts and circumstances of those violations and, where possible, to identify those responsible so as to make recommendations, in particular on accountability measures. Another fact-finding mission will soon be sent to Syria for the same purposes. The Council will certainly benefit from the work of those missions, which hopefully will contribute not only to enhancing accountability but also to promoting peaceful solutions to existing crises.

In conclusion, I wish to underline that a Council that is better informed is also better prepared to take effective action; hence the need for real-time information regarding threats to civilians. With sufficient credible and early information the Council will be more able to use preventive diplomacy to influence parties to conflict to comply with international law and to make specific commitments regarding civilian populations. It is now up to us to seek such information and to ensure that the Security Council acts consistently and with resolve to send a political signal in demanding immediate compliance with international humanitarian law to protect all civilians — women, men and children — who are directly targeted or are accidental victims of conflict.

Mrs. DiCarlo (United States of America): I would like to thank Under-Secretary-General Amos, Under-Secretary-General Le Roy and Assistant Secretary-General Šimonović for their valuable remarks today.

Let me begin by commending the work of the United Nations and the brave local and international United Nations staff, from peacekeepers to humanitarian workers, who risk their lives to help protect civilians in harm's way. We should not underestimate the challenges they face. All too many regimes are still willing to use ruthless and indiscriminate force in populated areas, and some deliberately target civilians, humanitarian workers and journalists.

Last November the Council debated how to promote and improve methods to protect civilians (see S/PV.6427). Just weeks later, the world witnessed the extraordinary and ongoing courage of people in nations across North Africa and the Middle East who found their voices and were demanding to be heard. Many have taken to the streets to exercise their rights of expression despite, in some cases, brutal attempts at repression.

On 17 March, the Council acted decisively to protect innocent civilians in Libya (see S/PV.6498). Responding to the Libyan people and the Arab League, the Security Council authorized the use of all necessary measures to protect civilians and civilian areas targeted by Colonel Al-Qadhafi, his intelligence and security forces and his mercenaries. That new resolution (resolution 1973 (2011)) followed up on the unanimous Council vote on resolution 1970 (2011) to refer the situation in Libya to the Prosecutor of the International Criminal Court. Resolution 1970 (2011) underscored the importance that the international community attaches to assuring that those responsible for widespread, systematic attacks against the Libyan people are held accountable.

The international community must remain united in the commitment to protecting civilians and civilian-populated areas under threat of attack, to ending violence against the Libyan people and to defending the universal rights we all share. The NATO coalition operates within the mandate of resolution 1973 (2011) to enforce the arms embargo and the no-fly zone and to conduct a civilian protection mission. NATO makes every effort to avoid civilian casualties.

In Syria we are concerned about the continued reports of gratuitous violence against unarmed demonstrators. We therefore welcome the mission by the Office of the High Commissioner for Human Rights to investigate alleged violations of international human rights law. We call on the Syrian Government to allow journalists and human rights monitors to independently verify events on the ground, including reports of indiscriminate attacks on populated areas by Syrian forces.

We have seen real progress in efforts to protect civilians, but in Darfur and elsewhere we still face serious challenges. Let me highlight three key areas where the Council plays a crucial role: improving peacekeeping missions, assuring humanitarian access in armed conflict and ensuring accountability.

First, on the role of peacekeeping, consider the recent crisis in Côte d'Ivoire. The Security Council consistently responded to escalating violence there by urging the United Nations peacekeeping force to fully implement its mandate to protect civilians under threat of attack, culminating in resolution 1975 (2011). The United Nations Operation in Côte d'Ivoire responded robustly to neutralize the threat of heavy weapons. We know that those actions saved many lives, based on the substantial weapons caches discovered in and around Abidjan.

We have seen progress, led by Member States in concert with the Secretariat, to improve the tools, guidance and resources to help United Nations missions identify and address the threats to populations in conflict zones. We must continue to learn from experience and provide better support to missions, including doing more to address sexual and gender-based violence. In difficult environments such as the Democratic Republic of the Congo, the United Nations has developed mission-wide protection strategies, including establishing community liaison assistance and joint protection teams to better protect civilians. We welcome those efforts.

Secondly, we must continue to facilitate humanitarian access into areas of armed conflict. Humanitarian personnel around the world all too often work in insecure conditions and lack access to vulnerable populations. There are increasing reports of attempts to intimidate humanitarian workers, impede their movement and even target them directly. In Darfur, the humanitarian community's efforts to gain regular access to those in need are being stifled by Government restrictions on movement, particularly in areas where the Sudanese Armed Forces are engaged in hostilities or aerial bombardment. We must redouble our efforts to end such obstructions to humanitarian access and hold those responsible for these obstructions accountable.

Finally, accountability remains essential to ensuring an effective, transparent process of reconciliation after the guns have gone silent. The recent report from the Panel of Experts created to advise the Secretary-General on Sri Lanka alleges several violations of international humanitarian and human rights law in the final stages of the conflict, which may have resulted in the deaths of up to 40,000 civilians. We urge the Sri Lankan Government to respond constructively to the report. Accountability and reconciliation are inextricably linked. It is in Sri Lanka's interest to take concrete steps to promote justice, accountability, human rights and reconciliation.

We have a window of opportunity to translate recent Security Council cooperation on civilian protection into lasting improvements in our response to crises. We must seize it for all of our sakes, and for the sake of the innocent men, women and children who rely on our collective action to defend them.

Mr. Osorio (Colombia) (*spoke in Spanish*): The topic under discussion today calls on us to reflect seriously on State and international responsibilities to ensure the protection of civilians in armed conflicts on the Security Council's agenda, as well as the tools with which to achieve it. The briefings and analyses by Under-Secretary-General Amos, Under-Secretary-General Le Roy and Assistant Secretary-General Šimonović illuminate the subject very well. We should therefore remember that the Security Council has dealt with the protection of civilians on several occasions over the past decade. In that regard, I would like to highlight the concepts embodied in resolutions 1265 (1999) and 1674 (2006), as well as in subsequent resolutions and presidential statements.

The current circumstances demand that the actions that United Nations bodies, including the Security Council, take to address a crisis are framed consistent with international law, in order to ensure their legality and legitimacy. We believe that this is the best way to guarantee lasting solutions in those situations where the Council must act. The protection of civilians in situations on the Council's agenda is a matter that demands our commitment to concrete measures such as those taken in recent months. In the case of Côte d'Ivoire, for example, the mandate of the peacekeeping Mission established by the Council included explicit authorization for the Mission to use any means necessary to counter the use of heavy weaponry against civilians.

With regard to the situation in Libya, the Council's response to that crisis was phased and gradual, starting with a statement to the press, followed by a resolution (resolution 1970 (2011)) adopted under Article 41 of the Charter, and concluding with a second resolution, this time adopted under Chapter VII (resolution 1973 (2011)). The true theme of both those resolutions is thus the protection of civilians.

Moreover, we believe that it is essential to strengthen the work of other bodies with regard to the protection of civilians, such as the General Assembly, the Economic and Social Council and, in particular, the Human Rights Council. Establishing effective cooperation in this area between the Security Council and other relevant bodies and agencies of the United Nations can make the Council's actions more productive vis-à-vis the areas under its purview.

In that regard, recent international events have prompted my delegation to reflect on the Human Rights Council and its readiness to strengthen mechanisms for prevention and cooperation with States, in order to reinforce their own capacity to protect civilians. We believe that work needs to be done in order to ensure that governmental agencies are aware of their responsibilities in this area and that they are creating the institutions needed to ensure the protection of civilians with a comprehensive and long-term vision, including those entities charged with investigating and prosecuting abuses in individual cases. We believe that the creation of the Human Rights Council, less than a decade ago, has enabled us to address strengthening national capacities to protect civilians more creatively and cooperatively. To that end, we must move from a confrontational approach towards one of cooperation. Only by building national capacity to deal with the duties and responsibilities of national authorities to protect civilians will we be able to make a long-term difference.

As is the case with other thematic issues considered by the Council, this too should be subject to further reflection in order to strengthen the cooperative mechanisms that enable us to achieve substantial results in situations where civilians are particularly affected. One way of doing this would be to resort more frequently to other bodies and agencies in the United Nations system able to work on building national capacities when States request it.

The Security Council, pursuant to the functions assigned to it by the United Nations Charter, must address threats to international peace and security. In that context, my delegation would like to recall the request of the Council in November 2010 that the Secretary-General include more extensive and detailed information in his reports concerning the protection of civilians in armed conflict when reporting on specific events on the Council's agenda.

Colombia concurs with other Council members that the primary responsibility for the protection of civilians belongs to each State. We therefore consider it essential that international support be rendered in close coordination with national authorities, in accordance with the Charter and the norms of international law, and with respect for sovereignty and territorial integrity, as well as for the principles of humanity, neutrality, impartiality and independence. Any initiative in this area should be mindful of the central role played by Governments and relevant national policies.

As Under-Secretary-General Amos mentioned in her report, Colombia has suffered under the scourge of a guerrilla group that has been described at the national and international levels as a terrorist group, and which has also been involved in illegal trafficking in drugs and arms and has systematically attacked and perpetrated deplorable acts against the civilian population, using mines, bombs and explosives. With international cooperation, for which we are grateful, Colombian authorities are committed to a process that is moving forward successfully in combating the violence and providing redress for its victims. At this very moment, we are in the final stage of enacting in Colombia's national Congress a law providing redress for victims and restitution of their lands, a reflection of the Government's commitment to protect and make reparations to the civilian population.

We understand that there are exceptional circumstances where the Council may be required to act without consulting the authorities, either because the authorities as such do not exist or because the authorities themselves are the ones deliberately threatening the lives of their own citizens. This underlines the fact that each and every situation is unique, which in turn implies that efforts made to resolve humanitarian issues must address the specific features of a situation.

Lastly, we call on the Members of the United Nations and the Secretariat to consider the thematic issues discussed by the Council as an opportunity for strengthening other bodies established with specific aims in view. We believe this can improve our performance, particularly regarding the results we stand to achieve in the long term concerning the protection of civilians.

Mr. Sangqu (South Africa): My delegation wishes to express its appreciation to you and your delegation for organizing this open debate, Mr. President. We also wish to thank Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for their briefings.

South Africa is fully committed to the protection of civilians in armed conflict and continues to support a strengthened normative and legal framework for enhancing such protection measures. We welcome the concerted efforts of the international community to protect civilians in armed conflict. Despite such positive efforts and the progressive steps that are being taken, scores of civilians in many regions of the world are still harmed or maimed during armed conflicts, from Afghanistan to Somalia to Libya to Côte d'Ivoire. In this regard, we regret deeply that civilians, in particular women and children, continue to account for the vast majority of casualties in armed conflicts.

The latest report of the Secretary-General on the protection of civilians (S/2010/579) made three important additions to the five core protection challenges identified in his 2009 report (S/2009/277). Advances in all of those core areas will contribute to the international community's fight against impunity, improve humanitarian access and ensure consistency in mandates for the protection of civilians. The Council has made commitments concerning the protection of civilians, particularly in the areas of peacekeeping, humanitarian access, monitoring, information-sharing and reporting.

In spite of a number of well-meaning Security Council resolutions, presidential statements and thematic mechanisms, the grim reality is that parties engaged in conflict still have a long way to go in fulfilling their responsibilities concerning civilian protection. It is clear that the lack of political will and complete disregard for the lives of civilians remains a major obstacle to protecting civilians during armed conflict. The Secretary-General observed in his report presented to the Council in November 2010 that any progress in the protection of civilians has been the result of increased focus by international agencies on the issue, not because armed groups are observing international law.

We therefore call upon all relevant parties to conflicts to put an end to such practices and recognize that States bear the primary responsibility of protecting civilians within their borders. That does not exonerate non-State armed groups to conflicts. Non-State actors have responsibility under international humanitarian law to protect civilians and they must be held accountable for violations. Accordingly, it is always important to note that, while United Nations peacekeeping operations should always adopt a robust posture in implementing the mandates of the Council, including the protection of civilian elements, they must do so in an impartial manner. United Nations peacekeeping operations should never be seen to be siding with one party to a conflict, as that would undermine the integrity of United Nations efforts.

The plight of women and children, in particular, remains perilous and requires urgent attention. South Africa appreciates the efforts of many Governments, including those of the Democratic Republic of the Congo and Chad, to combat sexual violence, as demonstrated by the arrest of senior military officers involved in crimes of conflict-related sexual violence. The increased momentum in the implementation of resolutions 1325 (2000), 1612 (2005) and 1960 (2010), including on monitoring, information-sharing and reporting, needs to be further accelerated.

In February, at the initiative of the Brazilian presidency, the Council held informal consultations to discuss protection-related items on its agenda, namely, protection of civilians, children and armed conflict, and women and peace and security. South Africa supports this holistic approach, whereby these issues are dealt with in a coherent manner. In that regard, actions undertaken by the Secretariat should be mutually reinforcing.

Over the past three months, we have witnessed some important advances as the Security Council adopted resolutions giving practical expression to our collective desire to ensure civilian protection. These resolutions have at their core the protection of civilians, and South Africa supported these additional measures for Libya and Côte d'Ivoire, respectively. These resolutions have noble intentions focused on our common desire to protect civilian lives.

However, we are concerned that the implementation of these resolutions appears to go beyond their letter and spirit. It is important that, as international actors and external organizations provide constructive assistance, they should nonetheless comply with the provisions of the United Nations Charter, fully respect the will, sovereignty and territorial integrity of the country concerned, and refrain from advancing political agendas that go beyond the protection of civilian mandates, including regime change.

In our view, such actions will undermine the gains made in this discourse and provide ammunition to those who have always been sceptical of the concept. In the final analysis, the implementation of these resolutions will determine whether our actions have yielded the intended result of protecting civilians.

Our efforts in protecting civilians will also be undermined if our approach to conflict resolution is limited only to addressing symptoms while ignoring root causes. Such an approach will not help to find a fundamental solution to the protection of civilians, which, in the final analysis, can be guaranteed only by capable States with strong democratic institutions. In this regard, more focus should be directed to rule of law reforms; democratization reforms; disarmament, demobilization and reintegration; security sector reforms; and post-conflict reconstruction and development underpinned by early peacebuilding programmes, inter alia. We must stress the need for the international community to prevent armed conflict and to support actions aimed at addressing the underlying causes in an effective and sustainable manner, thereby making the renewal of hostilities less likely.

In conclusion, progress in advancing the protection of civilians will also depend on the consistency with which the Council pursues this goal. Selectivity gravely limits the credibility of the Council in advancing protection of civilian mandates. This Council cannot be seen to place the value of some civilians above that of others. Proactive actions that we have witnessed in Libya and Côte d'Ivoire have also to be applied in cases such as Somalia.

Mr. Wittig (Germany): At the outset, let me thank today's briefers for their valuable contributions. Germany aligns itself with the statement to be delivered later by the Acting Head of the Delegation of the European Union.

Today's debate on the protection of civilians in armed conflict comes at a crucial moment. Only last week, the International Criminal Court announced its intention to indict three Libyan officials whom it holds responsible for organized crimes against humanity perpetrated against civilians in Libya. Following the landmark resolution 1970 (2011), that is an important step in enhancing accountability for violations of international law and ending the so-called culture of impunity.

Regarding the responsibility to protect, let me be clear — it is first and foremost the responsibility of each State to protect its civilian population from violence. However, the international community will not turn a blind eye when there is a blatant disregard of this obligation. That is a message that applies not only to Libya; indeed, it goes beyond Libya.

Civilians continue to bear the brunt of violence in armed conflict. Recent events in Côte d'Ivoire and Libya reconfirm this fact in a tragic way. The indiscriminate and excessive use of force against civilians in all its various forms cannot and must not be accepted by the Security Council and the international community at large.

Let me briefly touch upon some of the situations of particular concern to us. First, with regard to Syria, we are deeply shocked by the violence and brutality of the internal repression orchestrated by the Syrian authorities against unarmed and peaceful protesters.

The use of tanks and heavy artillery against the civilian population in Dar'a, Baniyas and other cities is deeply worrying. The Syrian authorities clearly stand at a fork in the road. We strongly urge the Syrian Government to end its military repression of its own population and to respect human rights. Those responsible for the killings should be held accountable.

In order to make this message clear, we have worked for the European Union to impose restrictive measures against Syria and persons responsible for the violent repression. These measures have come into force today. The ongoing violence and the regional implications also require that we continue to address the situation in Syria in the Security Council.

On Afghanistan, we remain seriously concerned about the intolerably high number of conflict-related civilian casualties. The large majority of them are caused by indiscriminate attacks by the Taliban, Al-Qaida and other violent armed groups. We would also like to take note of the continued progress made by Afghan and international forces in minimizing civilian casualties.

The situation of the civilian population in Somalia remains a cause of grave concern, as are the ongoing activities of the Lord's Resistance Army, in particular the abduction of children in parts of the Democratic Republic of the Congo, southern Sudan and the Central African Republic.

On Sri Lanka, Germany welcomes the report of the Panel of Experts. The report reiterates the need for accountability in that country. The findings of the report should encourage the Government of Sri Lanka to set up a credible investigation and accountability process. We urge Sri Lanka to closely cooperate with the United Nations in this regard.

Since the last open debate on protection issues in November last year (S/PV.6427), the Security Council has further developed its comprehensive normative framework on protection issues. We note with appreciation that four out of the current seven United Nations peacekeeping operations with a protection mandate have already developed comprehensive strategies for the protection of civilians.

Heeding your call, Mr. President, and for the sake of brevity, I will abridge my written statement and conclude by drawing the Council's attention to one group of civilians with particular protection needs in armed conflict, namely, children. Children are sexually abused, killed and/or maimed and sometimes even used as suicide bombers by parties to a conflict. In armed conflicts, schools and hospitals, which are essential for the development and well-being of children, are deliberately attacked and destroyed.

Together with the Special Representative of the Secretary-General, Ms. Coomaraswamy, with UNICEF and other United Nations agencies, the Security Council Working Group on Children and Armed Conflict — which I have the honour to chair — has continued to make tangible progress in demobilizing child soldiers and in enhancing compliance with international law by State and non-State parties to conflict. I urge the members of the Council, as well as the wider United Nations membership to continue to lend their valuable support to this common endeavour.

Mr. Amieyeofori (Nigeria): Thank you, Mr. President, for having convened this open debate. The briefings we have received from Under-Secretaries-General Amos and Le Roy and Assistant Secretary-General Šimonović add an important practical focus to our discussion of this important matter of principle, and we thank them.

Although the United Nations, and this Council in particular, have been seized of protection issues for several years now, as we have heard today, our actions to date have not reversed the trend towards the disproportionate suffering of civilians in situations of armed conflict. It bears repeating that the primary obligation to protect civilians affected by conflict lies with national Governments and parties to conflict. However, when they are unable or unwilling to fulfil this obligation, the international community, in particular the Security Council, must respond to the plight of civilians in armed conflict.

In this regard, we recall the United Nations efforts to implement resolution 1894 (2009), which called for comprehensive information on protection of civilians to be provided to the Security Council. While improvements have been made, we still lack a coordinated approach to information gathering and monitoring to ensure that the full impact felt by innocent civilians in conflict situations is appreciated. This must be a priority, as forewarned is surely forearmed.

Nigeria supports the use of the full range of protection tools, including the provision of humanitarian assistance, mediation and other diplomatic interventions, arms control and the effective rule of law. A thoughtful approach to understanding the specific vulnerabilities of all civilians in a conflict situation would lead us to the right combination of these strategies, one reflecting the socio-economic context of the conflict.

The protection of civilians goes to the very heart of the Council's mandate. I am therefore proud to note that the international community has not been content to stand idly by while civilians are targeted and caught in the crossfire of conflict.

Our response to the conflict in Libya is using a range of protection strategies in a non-peacekeeping context. Multiple actors are working hard to provide humanitarian assistance in the face of targeted attacks on civilians and aid workers. Blocking humanitarian access is not only a deplorable act, it clearly violates the Fourth Geneva Convention. The dreadful scenes we are witnessing in Misrata and elsewhere in the country demonstrate the disregard for such pre-emptory norms. Notwithstanding the efforts of the multiple international humanitarian actors, the spectre of a major food crisis and refugee crisis now looms. We therefore demand that the Libyan parties take steps to honour resolutions 1970 (2011) and 1973 (2011) and to commit to a comprehensive ceasefire and a viable political track.

In Côte d'Ivoire, the Ouattara Administration has done much to ensure that Ivorian civilians remain protected. However, the circumstances in that country prove that the responsibility to protect survives full-scale conflict. The Office for the Coordination of Humanitarian Affairs has reported that armed militias continue to attack the population in the west of the country and that insecurity is hampering humanitarian access to those in need, including internally displaced persons. Nigeria believes that peace can be achieved in Côte d'Ivoire through a process of reconciliation, and we support initiatives in that direction. We also look forward to the outcome of the high-level inter-agency assessment mission on the United Nations Operation in Côte d'Ivoire currently in Abidjan. We trust that ongoing protection priorities will be at the forefront of the final recommendations.

We can think of no better way to keep civilians out of harm's way than to prevent conflict before it breaks out. Prevention is infinitely better than cure. We therefore urge the international community to lend greater support to the preventive diplomacy initiatives of civil society and regional and subregional bodies and efforts, such as the Economic Community of West African States Observation and Monitoring System. Such measures encourage stability and thereby reduce the vulnerability of women, men and children caught in conflict. In this way, we might protect civilians beyond those on the agenda of this Council.

Finally, we must challenge ourselves to be objective in our assessment of situations where civilians need our protection. We must try for consistency in our approach to the protection of civilians in all situations of armed conflict and not be held back or propelled by national interest, but by justice and principle alone.

Mr. Li Baodong (China) (*spoke in Chinese*): I wish to thank the French delegation for having convened this open debate. I also wish to thank Under-Secretaries-General Amos and Le Roy and Assistant Secretary-General Šimonović for their statements.

China is deeply concerned about the safety of civilian lives and property during armed conflict, which have been negatively impacted and threatened. We condemn acts of violence deliberately targeting civilians in situations of armed conflict.

Today, I wish to underscore four points.

First, the strengthening of the protection of civilians in armed conflict must strictly abide by the purposes and principles of the Charter of the United Nations. The responsibility to protect civilians lies first and foremost with the Government of the country concerned. The international community and external organizations can provide constructive assistance, but they must observe the principles of objectivity and neutrality and fully respect the independence, sovereignty, unity and territorial integrity of the country concerned. There must be no attempt at regime change or involvement in civil war by any party under the guise of protecting civilians.

Secondly, in order to fundamentally address the objective of the protection of civilians, more must be done in the areas of conflict prevention and resolution. The Security Council should as a priority engage in preventive diplomacy and prevent or reduce conflict in regions where there is turmoil. The Council should as a priority urge the parties concerned to cease hostilities and achieve a ceasefire. Only by actively promoting a political solution by peaceful means through dialogue and negotiation can civilian casualties be minimized. Military means are not an effective answer to these issues.

Thirdly, strengthening the protection of civilians in armed conflict must be done through implementation of Security Council decisions in a comprehensive and strict manner. The original intention of resolutions 1970 (2011) and 1973 (2011) was to put an end to violence and to protect civilians. We are opposed to any attempt to wilfully interpret the resolutions or to take actions that exceed those mandated by the resolutions. In implementing the resolutions, efforts must be made to avoid yet greater civilian casualties.

Fourthly, the protection of civilians in armed conflict involves the development and evolution of the norms of international humanitarian law, which should be discussed in depth by the wider membership of the United Nations in order to reach consensus. Conflict situations vary, and there must be no one-size-fits-all approach to the protection of civilians. Various parties still hold divergent views on the responsibility to protect, and the General Assembly should continue its discussion on this matter.

The deployment of United Nations peacekeeping operations alone cannot fundamentally address the issue of the protection of civilians. In authorizing the United Nations to protect civilians, the specific situation of the country concerned, as well as the capabilities of the United Nations, must be taken into full consideration. United Nations peacekeeping operations must continue to abide by the principles of objectivity and neutrality and avoid taking sides in local political disputes or even becoming a party to the conflict.

Mr. Messone (Gabon) (*spoke in French*): My delegation welcomes this debate on the protection of civilians in armed conflict, and we thank you, Mr. President, for having convened it. This debate is taking place at a time when the world, in particular Africa and the Middle East, is in a state of upheaval as a result of crises whose humanitarian and human rights consequences are of major concern to the Council.

We would like to thank Ms. Valerie Amos, Mr. Alain Le Roy and Mr. Ivan Šimonović for their respective contributions to our debate. We wish also to express our deep appreciation and full support for the work that they and their teams are carrying out on the ground.

During the most recent debate on this issue (see S/PV.6427), the Council emphasized the need to strengthen the aspect of the protection of civilians in peacekeeping operations. Today we have an opportunity to deal with the question in a comprehensive manner, focusing on two key aspects: in the framework of peacekeeping operations and in emergency situations.

The situation in the Democratic Republic of the Congo, in Côte d'Ivoire and in Libya, as well as other crises, has shown that the vulnerability of civilians in crises continues to be marked by violence of increasing intensity as a result of clashes and confrontations between armed groups. Be it continuing, unpunished violence and sexual abuse, violence related to the exploitation of natural resources or violence resulting from terrorist acts, Gabon has consistently condemned all violence against civilians as well as all acts whose victims are civilians. Such acts must not go unpunished.

With respect to the protection of civilians in the Democratic Republic of the Congo, one of the longstanding problems in that respect has been insufficient funding and a lack of means of communication, which has hindered the effectiveness of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) on the ground. We welcome the progress made recently in that area, which has enabled MONUSCO to ensure better protection for vulnerable peoples.

With respect to the systematic violence carried out against women and girls, we welcome the investigations that are under way in the country, which reflect the determination of MONUSCO and of the Congolese Government to combat impunity.

The Ivorian crisis raised legitimate concerns given the heavy price paid by civilians during the post-electoral situation. The implementation by the United Nations Operation in Côte d'Ivoire (UNOCI) of resolution 1975 (2011) made it possible to reduce the scale of the massacres and to avert a widespread civil war.

In the case of Libya, beyond Gabon's support for resolution 1973 (2011), we would like to reaffirm that the objective of setting up a no-fly zone in the country was the protection of the civilian population. We remain concerned at the deterioration of the humanitarian situation, which has an impact on civilians. We remain convinced that the establishment of a ceasefire and the initiation of a concerted political solution are important prerequisites for improving the humanitarian situation and for more effectively protecting civilians on the ground.

Recent crises make clear that we must continue to seek effective solutions so as to face the immediate challenges involved in ensuring the security and physical protection of the most vulnerable civilians: the need to ensure that the most vulnerable have access to humanitarian aid, and the need to induce armed groups to spare civilian populations. I should like here to highlight our concern as to the increasing use of explosive munitions in heavily populated areas.

I should like also to highlight two key elements, which have already been mentioned by other delegations.

First, there is a need to reaffirm the norms of responsibility. It must be reiterated that the protection of civilians in conflict is the responsibility of the States and parties to the conflict, even if other actors are also involved. Law alone cannot put an end to a crisis, make it possible to emerge from such crisis or even ensure the protection of civilians. It is first and foremost our determination to enforce the law that will make a difference. That where our responsibility as members of the Security Council comes in, as was the case recently with respect to Libya and Côte d'Ivoire.

The second element is the need to maintain the impartiality and neutrality of humanitarian action. The implementation of resolution 1973 (2011) shows how difficult it is to carry out humanitarian work at a time when a military operation aimed at protecting civilians is under way. In such a context, it is important that humanitarian actions remain neutral and impartial.

As we have highlighted in the course of previous debates on this issue, the protection of civilians requires new approaches that focus on awareness-raising and prevention. It is important to make agreed norms and principles widely known and to ensure that everyone is aware of the consequences of failing to respect such norms and principles.

In conclusion, we cannot address the issue of the protection of civilians without linking it to the causes of conflict, which are often connected to issues related to the democratization of States, good governance and the establishment of the rule of law. Prevention of conflict and mediation are the peaceful solutions to which we should accord priority in our actions, so as to create an environment that, in the end, will reduce the risk of armed conflict and its disastrous consequences for civilian populations.

Finally, I should like to stress the need to adapt the mandates of peacekeeping operations to the realities on the ground, and, above all, to ensure that commensurate resources are made available for their implementation.

Mr. Salam (Lebanon) (*spoke in Arabic*): At the outset, I should like to thank you, Mr. President, for having organized this debate. I should also like to thank Ms. Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Le Roy, Under-Secretary-General for Peacekeeping Affairs; and Mr. Šimonović, Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights.

Today wars and conflicts have encroached upon safe, densely populated cities and villages. Every citizen is now in the line of fire and can lose his or her life, arbitrarily, at any time. Thus living far from the threat of armed conflict has become an indispensable humanitarian requirement for a safe and decent life. That is the basic challenge that all individual States and the international community as a whole must strive to meet.

States are primarily responsible for protecting their civilians and accountable for grave violations of international humanitarian law. Thus, it is a top priority for the international community to strive to support national efforts in that regard. We recall here the obligation of occupying Powers to protect civilians under occupation and to safeguard the delivery of humanitarian assistance to the needy, pursuant to the provisions of international law and international humanitarian law, particularly The Hague and Geneva Conventions. We reiterate our condemnation of the ongoing Israeli blockade of Gaza and restrictions on the delivery of humanitarian assistance thereto. We call on the Security Council to assume its responsibility to end that anachronistic practice.

It is also important to provide reliable and up-to-date information to the Security Council on imminent threats to civilians at any time or place. Such information allowed the Council to respond swiftly to the need to protect civilians in Libya by adopting resolution 1973 (2011). There is no doubt that the adoption and timely implementation of that resolution prevented a looming humanitarian disaster in Benghazi and other areas in Libya. In that regard, we emphasize the need for all parties in Libya to respect international humanitarian law. We condemn the use of heavy weapons and cluster munitions against civilians, particularly in the light of the suffering experienced in southern Lebanon due to Israel's use of those brutal weapons in its 2006 aggression.

Lebanon also stresses the need to hold responsible the perpetrators of crimes against the Libyan people. Indeed, accountability promotes compliance with international law. The trial of those responsible and the payment of compensation represent the administration of justice and deter potential violators. We wish in that regard to reiterate our demand that Israel pay compensation for the material and human losses incurred in the war it launched against Lebanon in 2006.

While the Security Council's actions against Libya were exceptional and represented the last resort in addressing an imminent threat, the Security Council and the international community have means of protection at their disposal. The sustainable protection of civilians cannot be achieved unless we address the root causes of conflict. The United Nations must therefore spare no effort in promoting the political settlement of disputes, particularly through comprehensive dialogue, national reconciliation and reintegration.

The rule of law is at the heart of protection. We must strive to help States emerging from conflict to build their judicial and security institutions and to foster a culture of protection. Finally, the protection of civilians should remain the focus of the international community's efforts. We have a collective responsibility to protect the voiceless millions on whom conflicts are imposed, to horrifying effect. We hope that everyone will step up to the plate.

The President (*spoke in French*): I shall now make a statement in my national capacity.

I thank Ms. Amos, Mr. Leroy and Mr. Šimonović for their briefings. I associate myself with the statement to be made by the Acting Head of the Delegation of the European Union.

I wish to stress three points. First, when grave violations of international humanitarian and human rights law, war crimes and crimes against humanity are committed, it is the responsibility of the Security Council to intervene to end them. That is what we did in Libya. The Security Council authorized the forces of the coalition to protect civilians under bombardment ordered by their leaders. By striking Colonel Al-Qadhafi's forces before they entered Benghazi, France and its partners helped to prevent a massacre there. By demining the port of Misrata, we enabled humanitarian assistance to be delivered and civilians to be evacuated.

In Côte d'Ivoire, the Security Council gave the United Nations Operation in Côte d'Ivoire (UNOCI) the resources it needed to fulfil its protection mandate. By helping to neutralize heavy weapons being used against civilians, UNOCI prevented the commission of atrocities. We hope that the resolve UNOCI has demonstrated will serve as a point of reference for all United Nations peacekeeping operations.

In the Democratic Republic of the Congo, the United Nations Organization Stabilization Mission should continue to intervene with equal resolve. We must support the Congolese authorities in building the capacity to ensure the effective, long-term protection of civilians.

Secondly, France believes that the protection of civilians and human rights is a priority in all situations. We are determined to ensure that the Security Council shall continue to take measures tailored to individual situations. For instance, the Government of Syria is firing on and besieging its own people, and resorting to arbitrary arrests by the thousands, forced disappearances and torture. This must end. Demonstrators, human rights activists and journalists should be freed and freedom of expression respected. The Government should cooperate with the commission of inquiry of the Office of the High Commissioner for Human Rights and authorize humanitarian access, including for the assessment mission dispatched by the Office for the Coordination of Humanitarian Affairs.

Thirdly, the protection of civilians requires the victims to receive justice. The main responsibility in that respect falls to States, but the international community should support or supplement their efforts if they fall short. That is why the Government of Sri Lanka should undertake independent and impartial investigations into the alleged grave violations of international humanitarian and human rights law documented in the report of the Secretary-General's Panel of Experts, and those responsible should be tried. The Government of Sri Lanka must implement the other recommendations contained in the report and continue to cooperate with the United Nations.

In Darfur, although the International Criminal Court issued arrest warrants for crimes against humanity and genocide, nothing has changed. Humanitarian access continues to be impeded, civilians continue to be bombed, and militias continue to surround the refugee camps. That is unacceptable.

In recent months, the Security Council has demonstrated its capacity to apply the principles of the protection of civilians to concrete situations in which civilians are threatened. We must pursue those efforts.

I resume my functions as President of the Security Council.

I give the floor to the representative of Uruguay.

Mr. Cancela (Uruguay) (*spoke in Spanish*): I shall be brief in order to expedite this debate. Allow me to commend you, Sir, for having convened this debate and to underscore the importance of the ideas set forth in the briefings we heard at the start of this meeting.

Within the United Nations, the concept of the protection of civilians in armed conflict applies to various situations, such as humanitarian activities, including access for and the protection of humanitarian personnel as they go about their work; peacekeeping; peacebuilding; and situations arising out of international criminal responsibility, among others.

In recent years, an in-depth and wide-ranging conceptual and operational debate has taken place at Headquarters on the protection of civilians in armed conflict in the context of peacekeeping operations. That has been the case not just in the Security Council — an organ that has discussed this issue since the days of the United Nations Mission in Sierra Leone, in 1999 — but also among the entire membership through the specialized and representative bodies of the General Assembly.

Although mandates to protect civilians are considered on a case-by-case basis, and while there is genuine room for improvement, we cannot fail to underscore that there has been much progress in achieving greater consistency in implementing such mandates and evaluating existing problems and limitations and seeking solutions to them. In our view, this is bringing about positive results in New York and the field, some of which can be clearly discerned while others are intangible.

How do we measure what we have avoided? How do we quantify costs in human lives and the different types of damages averted by the presence of the United Nations with clear mandates to protect civilians? How valuable and how influential are the political agreements on this issue that various stakeholders, including troop-contributing countries, have reached at Headquarters in recent years? That is impossible to calculate; however, there is no doubt that it entails very valuable capital that we do not have the luxury of squandering or imperiling. It is much easier to destroy than to build anything, including trust.

We must therefore be very careful when it comes time to carry out efforts in the context of a legally binding instrument that carries the legitimacy of the United Nations vis-à-vis the protection of civilians. Similarly, while we favour moving ahead with the debate on implementing the responsibility to protect, without failing to acknowledge the intrinsic overlap with the protection of civilians, we believe that it is important that we be clear in our references to these concepts and that we take into account the singular nature of each one — which have distinct legal characters and have followed clearly differentiated discussion processes.

We do not for an instant forget that the ultimate goal must always be to protect the physical, mental and emotional integrity of the human beings under threat today, but also those who will tomorrow depend upon the presence or mandate of the United Nations to ensure that their lives, integrity and dignity are safeguarded. In that regard, my delegation would like to take this opportunity to reiterate the urgent need for all parties involved — at all times and in all situations — to consistently and impartially preserve, strengthen and respect the exact terms of the mandates of the Security Council and the norms of international humanitarian law, which are the foundation upon which rests the protection of civilians in armed conflict.

Having reached a propitious point when it comes to the protection of civilians, what must we now do to maintain that state in the current circumstances? This is a question that all of us should ask ourselves. We believe that it is crucial that we focus on addressing the major practical challenges that have concrete impacts on the ground.

From our perspective as troop contributors, there is no more pressing and clear challenge than that of bridging the enormous gap between protection-of-civilian mandates and the necessary resources to effectively carry them out. There is also much room for improvement in the area of training, both during pre-departure and post-deployment.

We are optimistic when it comes to improving coordination among the various stakeholders on the ground charged with implementing mandates, in the context of the overarching protection strategies that missions must develop. However, we believe that more work must be done with local authorities and communities in the area of managing expectations and that of public communication and information strategies. Those are aspects of the recommendations that were formally adopted yesterday by the Special Committee on Peacekeeping Operations.

Moreover, it is always imperative to facilitate access for humanitarian personnel and to ensure that international humanitarian law is respected by all parties concerned in every situation, so as to ensure adequate security conditions for staff to carry out their tasks.

At the same time, we reiterate that every human response must be sustainable and take into account the development perspective. In that regard, it is essential to ensure the building of adequate capacities at the national level.

Finally, I would like to reiterate that Uruguay believes the agenda on the protection of civilians in armed conflict to be a multidimensional one. It is informed and sustained by more specific, although closely linked, issues, such as, among others, those of children in armed conflict and women and peace and security. It is therefore essential to make progress in as coordinated a manner as possible in order to achieve synergies, avoid duplication of effort and, as effectively as possible, take advantage of the tools at the disposal of the Organization in the field. That will make possible greater coordination among all stakeholders involved, which will lead to more coherent responses in the protection of civilians — especially for groups in vulnerable situations, who are the most exposed and require greater efforts to secure their effective protection. That will also make it possible for us to focus more closely on post-conflict tasks, such as the reintegration of victims whose rights have been gravely violated and children who have been affected by armed conflict.

The President (*spoke in French*): I now give the floor to the representative of Italy.

Mr. Ragaglini (Italy): I, too, wish to express my deep appreciation to Under-Secretary-General Valerie Amos for her briefing, which gives us a broad picture of the challenges we face in the protection of civilians in armed conflict. I also wish to thank Under-Secretary-General for Peacekeeping Operations, Alain Le Roy, and the Assistant Secretary-General for Human Rights, Mr. Šimonović, for their important contributions to this timely debate.

Italy fully endorses the statement to be delivered by the representative of the delegation of the European Union and wishes to add a few remarks in its national capacity.

The violence perpetrated against populations, even women and children in some cases, in Côte d'Ivoire, Libya, Yemen and, more recently, Syria is a tragic reminder of the importance of protecting civilians. Italy calls on all States and non-State actors to abide by international humanitarian and human rights law and has always been ready to help all parties to a conflict to exercise their responsibility to protect civilians.

Italy also wishes to recall that safe humanitarian access is an indispensable part of international humanitarian law. We are therefore concerned by the severity and prevalence of existing constraints on humanitarian access, as well as by the continuous risk of attacks on humanitarian personnel.

Over the years, the United Nations has set up a comprehensive system to prevent and monitor serious violations of human rights and humanitarian law, as well as to combat impunity and to take action when violations occur. The international community is accountable for making that system work. In that regard, the Security Council has a crucial role to play and must be ready to take prompt action against those who undermine the commitment made by the heads of State and Government in the 2005 World Summit Outcome document (General Assembly resolution 60/1) and reaffirmed in resolution 1894 (2009).

United Nations peacekeeping operations have a significant impact on enhancing the protection of the civilian population and must therefore focus every effort on accomplishing that task, using all available capacities. We believe that more systematic mechanisms — such as indicators and benchmarks relating to the implementation of Security Council decisions on the protection of civilians — should be put in place. We therefore welcome the fact that some United Nations peacekeeping operations have already adopted comprehensive strategies for the protection of civilians and have developed benchmarks to measure progress in achieving that goal. In addition, we welcome the important progress made in this field during this year's session of the Special Committee on Peacekeeping Operations and in the Strategic Framework for Drafting Comprehensive Protection of Civilian Strategies in United Nations peacekeeping operations, now finalized by the Secretariat.

There is no avoiding mention of the Libyan crisis, also in the light of the important results obtained at the second meeting of the Contact Group on Libya, held in Rome on 5 May. With repeated attacks on civilians, including women and children, the situation in the country had deteriorated so drastically that international action to protect the population was the only viable option. That is why Italy supported the Security Council's intervention from the beginning of the crisis and, in complete coherence with resolutions 1970 (2011) and 1973 (2011), contributed to the collective action under way, which has prevented even greater violence being committed against the Libyan people.

The meeting in Rome confirmed the need to increase pressure on Al-Qadhafi's regime through all necessary and legitimate means. While we stress the importance of the NATO-led Operation Unified Protector — which is crucial to the achievement of the goals of the Security Council resolutions and to the effective protection of the Libyan population — the political and economic component must also be firmly supported to secure a complete cessation of all violence and attacks on and abuse of civilians.

Part of the work of the Contact Group meeting was dedicated to humanitarian assistance to Libya, to which the international community is greatly contributing. Italy has always been at the forefront of aid provision. Less than two weeks after the beginning of the insurgence, our first aid packages were delivered to Benghazi. We then strengthened the assistance capacity of Camp Choucha in Tunisia, provided humanitarian assistance in Misrata, repatriated third-country nationals, transported some of the wounded from Benghazi to Italy, and responded to the regional flash appeal for the Libyan crisis.

We reiterate our firm support for the United Nations role in leading and coordinating international efforts. It is thus our great hope that the United Nations can urgently restore a presence in Tripoli in order to coordinate the delivery of humanitarian assistance and to establish, with the Government authorities, the ways and means to allow humanitarian organizations full access to the affected populations, in fulfilment of the agreement of 17 April 2011 between the Office for the Coordination of Humanitarian Affairs (OCHA) and the Tripoli authorities. Should that not happen, I would also like to reaffirm that Italy is ready to participate in any future European Union action to assist and to secure the delivery of aid, if requested by OCHA.

We are also deeply concerned by the troubling developments in Syria. The lack of access to the areas where the violence has been most intense and the consequent inability to obtain reliable information about the needs of the civilian population are cause for even greater concern. We strongly urge the Syrian Government to honour its responsibility to protect its population, and we invite it to immediately stop the repression under way and to begin a dialogue with those who want reform, as President Al-Assad has promised. We support the Secretary-General's appeal to allow a United Nations humanitarian team into the towns worst hit by the protests and the violence.

In conclusion, I would like to express Italy's deep appreciation for the increased attention that the Security Council has given to the issue of the protection of civilians, which is more relevant now than ever. The adoption and implementation of the resolutions on Libya and Côte d'Ivoire are a clear testament to the Council's commitment to operating effectively and with determination to guarantee the protection of civilians in armed conflicts. The international community has shown that it is ready to act collectively and resolutely, through the United Nations and its organs and in accordance with the Charter, against perpetrators of violent and inhumane attacks against civilians.

The President (*spoke in French*): I now give the floor to the representative of Cuba.

Mr. Núñez Mosquera (Cuba) (*spoke in Spanish*): It is a pleasure to see you, Mr. President, presiding over the work of the Council for the month of May.

The protection of civilians in armed conflicts is an issue of indisputable significance. At this meeting, we would have preferred to have had this year's report of the Secretary-General on the topic, which, unfortunately, has still not been issued. The last report (S/2010/579) has shortcomings that were pointed out at the time by many countries, including the Movement of Non-Aligned Countries. On this occasion, however, we will have to restrict ourselves to making slightly more general remarks.

Despite the effort made, there are still many aspects to be clarified with regard to the protection of civilians, such as, inter alia, who decides when there is a need to protect; who decides that a State is not protecting its population, and on what basis; who determines the action to be taken, and under what criteria; what are the limits for the duration; and how to prevent the issue being used for the purposes of intervention and interference.

The position of my delegation on the issue under consideration is well known. As pointed out by Comrade Fidel Castro, the historical position of the Cuban revolution, which always opposed actions that threatened the lives of civilians, is also known. The obligation and responsibility of States to promote and to protect all rights of their population are beyond doubt.

Cuba denounces measures that violate the sovereignty of States, the Charter of the United Nations and international law being taken under the cloak of humanitarian protection. We oppose the death of innocent people, whatever the circumstance and place, as we categorically condemn aggression under whatever garb its hides.

Despite all the efforts made by the United Nations, including the sincere and selfless effort of many members of this Security Council, a great number of civilians continue to suffer throughout the world. The steps taken to date have not produced the desired results or allowed the addressing, as a whole, of all the implications of attacks on civilians and their consequences for international peace and security, including their humanitarian consequences.

The fact is simply that some have tried to ignore that respect for the sovereignty of States is the cornerstone of international relations and that it can in no way be disregarded or undermined. If the United Nations has not been able to fully play its role in assisting and protecting the millions of people in need around the world, especially in underdeveloped countries, it is because of the lack of political will in the Organization, as demonstrated by those who have imposed an unjust and inequitable international economic order.

If the Organization has often not been able to act as it should in many situations, it is because of the selectivity and double standards to which it has been subjected and because the resources for development needed by most of its Members are increasingly limited, despite the fact that underdevelopment problems are among the root causes of many conflicts, as stated in the Council in February (see S/PV.6479). It is because of the distortions in the work of some of its organs, in particular the Security Council, to the detriment to the General Assembly.

We must recognize that no legal provisions exist by which to justify the legal nature of an intervention on the basis of humanitarian reasons or pretexts. The Security Council would have to undergo profound reforms, including in its membership and working methods, to ensure that any civilian protection actions taken would be non-abusive and non-selective.

The necessary consent of a State for any measure proposed in relation to its civilian population is an inviolable principle that must be fully respected. Otherwise, as has often been the case, we would run the risk of engaging in actual military interventions in internal conflicts and in regrettable civil wars, with the supposed consent of the United Nations. In that regard, it is essential that the role of approved peacekeeping missions in protecting civilians be duly clarified from the beginning.

Lastly, it is imperative to permanently stamp out as well the dual morality and double standards exemplified by some Governments with regard to the protection of civilians. A mission as noble and commendable as that of protecting civilians cannot be invoked as a pretext for achieving spurious political and economic objectives, as has been the case with the implementation of resolution 1973 (2011), which was imposed on the Security Council on 17 March and which provides a clear example of this. Nothing in the resolution authorizes, under the pretext of humanitarian actions or protecting civilians, the bombing of cities or populated areas resulting in the death of more innocent civilians, the destruction of schools, homes and hospitals and further suffering of the civilian population.

How can indiscriminate bombing, the use of sophisticated weapons and aircraft and the death of innocent people, including children, under the pretext of protecting other equally innocent civilians, be justified? The United Nations has made no statements whatsoever regarding the protection of the civilian victims of NATO's aggression against a sovereign country. The silence of the Organization in the face of the murder of innocent people, including women and children, perpetrated by the foreign troops attacking that country, is outrageous.

How can we understand the inaction and dysfunction of the Security Council in the face of the death of innocent Palestinian civilians, who themselves have even fallen victim to the excessive and indiscriminate use of force?

The President (*spoke in French*): I now give the floor to the representative of Switzerland.

Mr. Seger (Switzerland) (*spoke in French*): As I an taking the floor on behalf of the Human Security Network, I will deliver my statement in English and thank you, Sir, for your understanding.

(*spoke in English*)

It is my honour to speak on behalf of the Human Security Network, namely, Austria, Chile, Costa Rica, Greece, Ireland, Jordan, Mali, Norway, Slovenia, Switzerland and Thailand, and South Africa as an observer.

We would like to thank the French presidency of the Security Council for having organized this important debate. We would also like to thank the Under-Secretary-General for Humanitarian Affairs, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights for their presentations today.

The protection of civilians in armed conflict is a priority of the Human Security Network. We highly value the continued attention that the Security Council is giving to that important issue. The holding of informal consultations of the Security Council on protection issues last February was a welcome step to address the three pillars of the protection architecture — namely, the protection of civilians, children and armed conflict, and women and peace and security — in a comprehensive and coherent manner.

Significant progress has been made in recent years in the normative and institutional framework with the adoption of important resolutions, most recently resolution 1960 (2010), which established a monitoring, analysis and reporting mechanism on conflict-related sexual violence. However, emphasis must now be placed on progress in enhancing protection on the ground. The worrying recent increase in the number of conflict situations, in particular in countries in North Africa and the Middle East, leaves no doubt that we need to strengthen our efforts so as to protect civilians from the impact of armed conflict and from becoming targets of attacks. We are deeply concerned by the use of force against civilians and by ongoing violations of international human rights, refugee and humanitarian law.

The Security Council should strongly, systematically, consistently and promptly respond to serious violations of international law concerning civilian populations in all situations and without distinction, as it has done with the adoption of resolution 1973 (2011) in response to events in the Libyan Arab Jamahiriya, and of resolution 1975 (2011), reinforcing the protection mandate of the United Nations Operation in Côte d'Ivoire.

The Human Security Network would like to reiterate the importance of appropriate and determined action by the Security Council to stop and prevent further violations of international law. The recently updated aide-memoire on the protection of civilians in armed conflict (see S/PRST/2010/25, annex) serves as a useful tool in that regard.

We also believe that such initiatives as the so-called horizon-scanning briefings of the Secretariat, if held at regular intervals, can be a useful means to enhance the Council's capacity to prevent violations and should be continued. The systematic monitoring of situations of armed conflict, as well as the inclusion of detailed information relating to the protection of civilians in country-specific reports of the Secretary-General, is also important. We welcome the fact that the Secretariat is currently developing guidance in that regard.

The Human Security Network advocates a people-centred, holistic approach to security. That includes a focus not only on the protection of civilians once a conflict situation occurs, but also on prevention in a broader sense. In our view, peace and security, development and human rights are indivisible and interdependent. Therefore, human security threats and vulnerabilities, such as the lack of development, poverty, inequality or human rights violations, have to be addressed in a comprehensive and integrated way. The active empowerment of the individual, especially of those that are most vulnerable, is an effective protection strategy.

All parties to an armed conflict must respect obligations under international humanitarian, human rights and refugee law. Recent events have once again highlighted how humanitarian assistance is crucial in times of conflict. The Human Security Network condemns all attacks on humanitarian workers. All parties to conflict bear the responsibility of allowing and facilitating access for the delivery of such assistance.

In addition to enhancing compliance with international law and strengthening national protection capacities, we recognize the major role of United Nations peacekeeping operations, the majority of which are mandated with protection-related tasks, in the protection of civilians, including in the area of prevention. Peacekeepers cannot stand by when civilians are attacked. The international community, in close coordination with troop-contributing countries, must ensure that peacekeeping operations are provided with the necessary resources and capabilities, as well as with operational guidance, to implement their protection tasks effectively. Force commanders have the responsibility to develop comprehensive and effective strategies for the protection of civilians, and to ensure that they are implemented vigorously.

The Human Security Network welcomes the progress made over the past months by the Department of Peacekeeping Operations in the development of a set of important tools enabling peacekeeping operations to carry out protection mandates in a coordinated, coherent and proactive manner. The strategic framework for protection of civilians strategies will provide guidance to missions in this area and will help to further clarify the roles and responsibilities of all relevant actors. The resource and capability matrix will assist both in planning missions with protection mandates and in drafting protection strategies. Finally, the envisaged protection of civilians training modules will ensure that peacekeepers are adequately prepared for implementing protection activities on the ground.

We also encourage the members of the Security Council to continue to make regular use of the informal Expert Group on the Protection of Civilians, which provides, inter alia, valuable input to the revision of the mandates of peacekeeping missions involving protection tasks.

Respect for and implementation of international humanitarian and human rights law are inextricably linked with ensuring accountability and the fight against impunity. The importance of ending impunity for criminal violations of applicable international humanitarian and human rights law should be seen as part of a comprehensive approach to seeking sustainable peace, justice, truth and national reconciliation. We welcome in this respect resolution 1894 (2009), which draws attention to the full range of justice and reconciliation mechanisms to be considered, including national, international and mixed criminal courts and tribunals, and truth and reconciliation commissions, as well as national reparation programmes for victims and institutional reforms. In this regard, we support the important and complementary role of the International Criminal Court (ICC) and welcome the Security Council's recent consensual decision to refer the situation in the Libyan Arab Jamahiriya to the Prosecutor of the ICC.

In situations where there are serious allegations of violations of international law and significant civilian casualties, Governments are obliged to conduct effective investigations and prosecutions. Where this is not done, independent international accountability mechanisms should be established. We welcome in this regard the proposals for enhancing accountability contained in the Secretary-General's most recent report on the protection of civilians (S/2010/579), such as the possibility of mandating commissions of inquiry to examine situations where concerns exist about serious violations of international humanitarian and human rights law.

(*spoke in French*)

I would now like to share a few observations in my national capacity.

Switzerland welcomes the assertive manner in which the Council has worked to address situations of concern in recent months. In particular, I would like to underline the importance of timely and concerted action by the Council, using the whole range of tools that the international community can apply in the case of widespread violence against civilians. This includes, in particular, applying deterrent measures such as asset freezes, travel bans and early ICC referrals.

The Council needs to ensure that its actions to protect civilians are coherent and non-selective in order to ensure its political sustainability in the long term. Switzerland therefore urges the Council to devote more attention to situations that are not formally on its agenda, as recommended in paragraphs 102 and 103 of the report of the Secretary-General on the protection of civilians of November 2010.

The momentum created by recent decisions of the Council may be lost if situations that are just as important as those in Libya and Côte d'Ivoire are not addressed. Failure to do so may lead to the perception of the whole concept of the protection of civilians as purely utilitarian, further endangering civilians and those charged with protecting them on the ground.

Among the various situations that would merit the Council's attention, Switzerland is very concerned about threats to civilians in Syria and firmly condemns the human rights violations that have been committed there. We are concerned by the behaviour of the security forces towards non-violent protesters and civilians who are not participating in protests.

We must also ensure that the most visible situations do not cause us to lose sight of other, long-term protection tasks. Humanitarian access remains difficult in many instances, including in regions that are not usually at the centre of the Council's attention.

Switzerland welcomes the fact that the United Nations in general and the Security Council in particular are addressing another aspect of the protection of civilians more systematically, namely, the duty to investigate allegations of violations of international humanitarian law or human rights and to hold their alleged perpetrators accountable. The recent referrals of situations to the ICC are striking examples of this positive trend. In this regard, Switzerland would also like to stress the importance of the report of the Panel of Experts on Accountability in Sri Lanka mandated by the Secretary-General.

The President (*spoke in French*): I now give the floor to the representative of Sri Lanka.

Mr. Kohona (Sri Lanka): Let me join the previous speakers in thanking France for convening this open debate under its presidency. I note the presentations made by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights.

We followed carefully the issues highlighted at the most recent Security Council debate on this subject, held in November 2010 (see S/PV.6427). As a country that faced a brutal terrorist threat for over two and a half decades and whose civilians were a constant target of this threat until the very end, we see an overarching need to achieve more tangible change, especially in enhancing protection on the ground for the communities most affected by conflicts.

We also emphasize that this protection task cannot be understood or addressed solely within traditional frameworks, as today's threats require us to be conscious of a multiplicity of different factors, ranging from changing political realities, socio-economic factors, the basic rights of individuals, the proliferation of small arms, asymmetric warfare and the sophistication of terrorists to the complexities of disarmament. We must pay special attention to vulnerable categories, such as women and children, who are increasingly exploited by terrorist groups. A realistic and honest appraisal of protection issues will help us to identify gaps in the existing protection policy frameworks and guide our collective efforts at effectively addressing them in a pragmatic manner.

During almost three decades of combating terrorism in our country, we took utmost care to draw a clear distinction between civilians and terrorists. Those who are intent on dismissing this effort will continue to do so, but successive Governments ensured a continuous supply of essential goods and services, such as food, free health services and education, to civilians in the north and the east of Sri Lanka over the 27 years of the conflict, despite the control that the terrorists had over them. While allegations of infractions of international standards emerged after the end of the conflict, those allegations were not heard until the end became abundantly clear to the terrorist group. Once the end of the terrorists became obvious, a well-oiled propaganda machine began to churn out reams of allegations to set the stage to continue the conflict by other means.

During the conflict, Sri Lanka also engaged closely with the international community and related human rights and humanitarian mechanisms — United Nations agencies, the International Committee of the Red Cross and local and international non-governmental organizations — to facilitate provision for the needs of civilians in terrorist-controlled areas, despite the constraints imposed by logistical and security needs. This close cooperation has extended to the aftermath of the conflict by providing for the needs of the displaced population, their resettlement and reintegration, and the reconstruction of their homes.

Many of today's conflicts take place within States and involve non-State armed groups. Sri Lanka's experience relates in particular to the challenges we faced in protecting civilians in the context of an internal conflict — a challenge to the State itself, involving a ruthless terrorist group, the Liberation Tigers of Tamil Eelam (LTTE). In Sri Lanka, that terrorist group made the Tamil civilian population a part of its military strategy. The terrorists' brutal strategy was to create a situation inviting civilian casualties by forcing civilians to be trained in weapons and to take up arms, recruiting children for combat duties, herding thousands of civilians to form human shields, holding them hostage and placing heavy guns in their midst, attracting retaliatory fire.

Some of the children were under 12 years of age. UNICEF recorded over 5,700 cases of child recruitment. The LTTE withheld food supplies sent by the Government and diverted those supplies for use by its armed cadres. The civilians being used as a human shield by the terrorist group were our own people. This strategy of the LTTE posed extraordinary operational challenges to our security forces engaged in combating the group while ensuring the protection of civilians. The Government, for its part, adopted a zero-civilian casualty policy. Our troops endeavoured to distinguish between combatants and civilians, and the protection and liberation of civilians from the clutches of the terrorist group were their highest priority. Over 280,000 civilians were eventually freed.

In this context, the challenges posed by terrorism in many parts of the world today may necessitate a re-examination of the rules of military engagement. Many of the rules of war are largely based on the presumption that the parties to a conflict are conventional armies of responsible States engaging other State parties. But terrorists disregard those laws and principles as they wage asymmetric warfare. They mingle with civilians and use them to achieve their goals.

Whether it is one human being held as a human shield or many, the fact remains that terrorists employ inhumane strategies that existing international humanitarian law may not have adequately taken into consideration. Once again, we must seriously investigate the practical realities learned in the experiences of Member States instead of attempting the theoretical application of a one-size-fits-all humanitarian framework. One size does not fit all, and the complex Sri Lankan experience would seem to demonstrate that reality.

There is a need to recognize the fundamental role of the State in civilian protection. In the first place, the role of Governments in civilian protection should be respected as it is their primary responsibility to protect their own citizens. The United Nations and humanitarian agencies must support and assist Governments, and in doing so be sensitive to ground realities, including by respecting the sovereignty of States.

Unfortunately the politicization and selectivity that characterize the debate have affected its credibility. The willingness to accept wild and unsubstantiated allegations made in the media — even those disowned by senior United Nations officials — is extremely unfortunate. Such an inconsistent approach and an unambiguous tendency to target the small and the weak for the rigorous application of principle also affect post-conflict reconciliation in complex country situations. Difficult reconciliation processes that are successfully moving ahead are disrupted by insensitive external interventions.

In keeping with the recognition that it is the first and foremost responsibility of States to address infractions of the law, and with a view to initiating a long-term healing process, the Government of Sri Lanka has established a Lessons Learnt and Reconciliation Commission to address reconciliation and confidence-building issues, including accountability.

My delegation hopes that the Council's discussion on the protection of civilians will facilitate practical outcomes based on ground realities. It is for this reason that my delegation has sought to share our experience and to urge all of us to invest greater efforts in preventing conflicts and their recurrence and to respond practically and proportionately to situations affecting civilian populations. It is also our view that seeking to punish the past does not ensure a guilt-free future.

The President (*spoke in French*): I now call on the representative of Japan.

Mr. Nishida (Japan): I would like to thank you, Mr. President, for convening today's debate on the protection of civilians. I would also like to thank Under-Secretary-General Valerie Amos, Under-Secretary-General Alain Le Roy, and Assistant Secretary-General Ivan Šimonović for their briefings.

First, allow me to emphasize that the primary responsibility to protect civilians, in accordance with humanitarian law and Security Council resolutions, fundamentally lies with the Government and the army of the country in which a conflict occurs. We are concerned that we still face constraints of access in many locations, as well as difficulties in the provision of humanitarian assistance to the vulnerable. We call for strict compliance by all parties with international humanitarian law. It is necessary for all of us to establish the rule of law — which includes strengthening judicial systems — and to continue the fight against impunity. We believe that, in order to prevent civilians being victimized and to strengthen the protection of civilians, it is necessary to effectively enhance systems of monitoring and reporting.

In the cases of Libya and Côte d'Ivoire, Japan commends the effective and timely role that the Security Council has been playing in the protection of civilians, and we expect the Council to continue to take effective actions to that end. As for the case of Libya, Japan has repeatedly called on the Libyan authorities to immediately cease committing acts of violence against the people of Libya, in accordance with the relevant Security Council resolutions. Japan strongly condemns the violence being perpetrated by the Libyan authorities against their own people, which has continued unabated despite the demands of the international community that it cease. Those who commit violence against the Libyan people, including Muammar Al-Qadhafi, should be held accountable for their actions, including through the International Criminal Court.

We support the Member States' that are taking measures in accordance with resolution 1973 (2011) to protect civilians and civilian-populated areas under threat of attack in Libya. At the same time, Japan believes that all diplomatic efforts should be made to achieve an immediate ceasefire, and strongly supports all efforts in that regard, especially those of Mr. Al-Khatib, Special Envoy of the Secretary-General.

On Côte d'Ivoire, Japan supports the action taken, in accordance with resolution 1975 (2011), by the United Nations Operation in Côte d'Ivoire and the French forces that support it to protect civilians, including to prevent the use of heavy weapons in the deteriorating security situation since the end of November. We invite President Ouattara to cooperate with the international investigation of human rights violations in his country, and also expect the perpetrators to be punished so that there is no possibility of impunity.

A peacekeeping mandate for the protection of civilians must be clear and achievable. It is also important that the mission be provided with all the resources necessary for implementing its mandate. A comprehensive approach, along with the Council's resolutions, will ensure the successful protection of civilians through such measures as actions by the Sanctions Committee; strengthening of the rule of law through the Commission of Inquiry established by the Human Rights Council; and close cooperation with regional organizations, including the African Union and the Economic Community Of West African States.

The ability of the Security Council to enforce accountability for the protection of civilians, especially women and children, must be further strengthened. In that regard, we expect that the monitoring, analysis and reporting arrangements on conflict-related sexual violence requested under resolution 1960 (2010) will be operational as soon as possible. We also expect the Council to take action to hold accountable any parties that attack schools.

The President (*spoke in French*): I now give the floor to the representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): The Council has taken important decisions on the topic of protection of civilians in armed conflict, in particular resolutions 1265 (1999) and 1894 (2009). As in other thematic areas, however, it has struggled with the application of the provisions and principles of its thematic decisions when dealing with actual country situations. Recent events and decisions of the Council have cast today's debate in a different light. We hope that this will help the Council focus its future policies, including its consideration of the input of the wider membership.

The protection of civilians in armed conflict is first and foremost the responsibility of the parties to the conflict. State and non-State actors alike must at all times observe the rules governing armed conflict, in particular the Geneva Conventions. The Security Council must in turn use the broad range of means at its disposal to ensure respect for international humanitarian law, from insisting on respect for that law on the part of all parties to a conflict under all circumstances, to strengthening the protection mandates of peacekeeping missions and, last but not least, to using accountability mechanisms.

Recent events, especially in Libya, have led to discussions about how to define the moment when an internal armed conflict begins. This question is relevant to determining whether international humanitarian law applies in such a situation, in addition to applicable human rights laws. But it has no bearing on whether action is needed. The indiscriminate and disproportionate use of force against civilians is always unacceptable and always unlawful. Depending on the exact circumstances, such acts can amount to war crimes or crimes against humanity, but they must never be met with silence on the part of the intergovernmental bodies of the United Nations. There is also a collective responsibility to ensure the protection of civilians outside situations of armed conflict, and the Council acted accordingly in adopting resolution 1973 (2011).

In addressing the need to protect civilians in armed conflict or otherwise, the Council has to strike a balance between its customary case-by-case approach and the principles that should govern its action, including those contained in its own resolutions. Effectiveness must be a guiding principle of all action that the Council engages in, but effectiveness is also, among other things, a function of credibility. Such credibility is promoted if the action is perceived to be consistent and undertaken for the main purpose of achieving the stated goal.

Against that background, we welcome the action the Council has taken to protect the civilian populations of Libya and Côte d'Ivoire. But we also believe that other situations, particularly those in Syria, Yemen and Bahrain, also require greater attention from the international community. Likewise, there is a renewed common responsibility in light of the report of the Secretary-General's Panel of Experts on Accountability in Sri Lanka. The Panel concluded that "the conduct of the war represented a grave assault on the entire regime of international law designed to protect individual dignity during both war and peace". Failure to protect a civilian population must not be compounded by indifference to efforts to create accountability.

For the second time in the history of the International Criminal Court, the Council, in resolution 1970 (2011), decided to refer a situation to the Court for investigation of the most serious crimes under international law. We welcome the referral as an expression of the Council's commitment both to contributing effectively to the fight against impunity and to a strong working relationship between the United Nations system and the Court. The referral is of particular value because it was decided by consensus. We hope that this consensus will also prevail when the Council is called on to act to ensure the implementation of follow-up action to resolution 1970 (2011). In the absence of universal ratification of the Rome Statute of the Court, such Security Council referrals remain the only means of ensuring quick and decisive action to fight impunity in a given situation. Creating ad hoc and separate accountability mechanisms such as tribunals would not only be very slow, but would also increase costs dramatically.

When it referred the situation in Libya to the Court, the Council underlined that it wished to avoid any financial responsibility for its decision, while at the same time it created an additional burden for the States parties to the Rome Statute. We note in this regard that the Security Council is not competent to make decisions on budgetary matters, and that the General Assembly may at any time enter into an arrangement with the Court for reimbursement of costs, as foreseen in the Relationship Agreement with the Court.

The action of the Council, or the lack thereof, on the topic of the protection of civilians has been one of the defining moments in its history. We hope that the Council will live up to the current challenges, different as they are, in order to agree on ways to ensure the protection of civilians.

The President (*spoke in French*): I now give the floor to the representative of Nicaragua.

Mrs. Rubiales de Chamorro (Nicaragua) (*spoke in Spanish*): First, I would like to thank you for having convened this debate under your presidency, Mr. President.

Since the last debate on this subject (S/PV.6427), many events have underscored the depth and solidity of the reasoning that has guided Nicaragua in the debates on the protection of civilians, both in the Council and in the General Assembly. What we are witnessing in Libya — the exploitation for political purposes of a noble subject by a small group of countries — has drained any credibility from the allegedly altruistic intentions behind the promotion of the protection of civilians.

Once again we have witnessed the shameful manipulation of the slogan "protection of civilians" for dishonourable political purposes, seeking unequivocally and blatantly to impose regime change, attacking the sovereignty of a State Member of the United Nations and violating the Organization's Charter. Once again, the logic of interventionism and hegemony has prevailed through a disastrous decision with incalculable potential consequences for tens of millions of individuals worldwide.

If the founding Charter of the United Nations does not include any kind of reference to a supposed right of humanitarian interference, that is not because attempts were not made at the time of its drafting to do so, but rather because it was obvious that this principle was attempt to interfere for purely political purposes in the internal affairs of States. That, inter alia, is why respect for the sovereignty of States, for non-interference and for non-intervention in the internal affairs of States was placed above any other consideration. Therefore, there is no legal justification for poorly defined concepts such as the protection of civilians to prevail over the sovereignty of States.

The Security Council must explain to us, particularly in the light of resolution 1973 (2011), how civilians are to be protected from shelling. We ought to be told — because we have the right to know — how many civilians have perished in the name of this alleged protection of civilians. We need to be told who is going to protect the civilians from their supposed protectors. Someone needs to explain to us how, in applying the protection of civilians, the assassination of a head of State of a sovereign country is planned. We must be told how the bombing death of innocent children contributes to the protection of civilians.

Here, I would like to quote Bishop Giovanni Martinelli, a witness of the atrocities committed by NATO's aircraft and the Apostolic Vicar in Tripoli:

> "Bombings, however targeted they may be, cause civilian casualties. Bombs are immoral. I ask myself then, is it moral to assassinate a head of State? What right to we have to do so?"

I would also like to recall what was said by Commander Daniel Ortega, President of Nicaragua, who stated a few days ago:

> "NATO's military intervention in Libya, condemned by heads of State, including by Pope Benedict XVI, by leaders, individuals and movements worldwide, is causing an ever-increasing number of civilian deaths. I reiterate Nicaragua's call for an immediate ceasefire. We once again call for a return to dialogue and negotiations, which should be the hallmark of international relations and of relations between the inhabitants of a country when any form of dispute divides its citizens."

In conclusion, I wish to underscore that the inexcusable double standard of actions dishonours and fatally undermines the credibility of the Council and tarnishes the Organization as a whole. Where is the Council's resolve when it comes to the heroic and martyred Palestinian people? It is precisely this double standard that fuels, inter alia, the expansionist and occupation policies that allow Israel to continue to act with full impunity against the heroic Palestinian people and the Arab nation.

The President (*spoke in French*): I now give the floor to the representative of the United Arab Emirates.

Mr. Al-Jarman (United Arab Emirates) (*spoke in Arabic*): We welcome the holding of today's open meeting, which we consider a valuable opportunity to review the achievements of the international community so far in the area of the protection of civilians in armed conflict, particularly at this time when many regions are facing new forms of violence and turmoil following rapid upheaval among their peoples and in their political systems.

The United Arab Emirates reiterates its strong condemnation of the serious and tragic crimes committed against peaceful civilians, especially women, children and humanitarian and media workers, in areas of armed conflict. It wishes to emphasize that fair trials and proportional punishment for perpetrators and a system of legal accountability with no impunity all constitute a critical step in developing strategies and efforts to protect people.

We therefore call for the adoption and implementation of clear, comprehensive and achievable multilateral international and regional strategies that support the political, security, legal and humanitarian programmes being carried out by the United Nations in collaboration with other international and regional organizations with a view to protecting civilians in armed conflict and in crisis areas, in accordance with resolution 1674 (2006).

We also reaffirm that implementation of international and regional multilateral protective measures and plans must be based on principles of neutrality, justice and objectivity, particularly in the provision and coordination of adequate relief, humanitarian assistance and protection of humanitarian corridors, in order to ensure that assistance reaches affected people in a timely manner and alleviates their suffering. At the same time, we stress the need to separate these strategic plans and programmes from the conflict resolution process, in accordance with the rules of international law.

The United Arab Emirates has played a distinctive and transparent role in supporting efforts aimed at protecting civilians in conflict areas. It was among the first States to participate in international humanitarian operations and has made valuable contributions, including by providing various types of humanitarian relief and medical assistance to affected people, regardless of their affiliations or beliefs, in many conflict areas in the world. The latest of these tireless efforts is the United Arab Emirates' intensive and ongoing effort to alleviate the humanitarian crisis in Libya within the framework of resolution 1973 (2011).

In this regard, while we support the United Nations efforts to address the critical humanitarian situation of the Libyan people — including protection of civilians, accelerating the delivery of humanitarian supplies and ensuring the safety of humanitarian workers — the United Arab Emirates affirms its support for the Libyan people's legitimate aspirations to determine their future through an inclusive political process that will bring a lasting peace to their country.

We also affirm our commitment to the sovereignty, independence, territorial integrity and national unity of Libya. We will continue to cooperate with other international actors in their efforts to ensure the protection of civilians in Libya and their access to humanitarian assistance in accordance with Council resolutions 1970 (2011) and 1973 (2011).

In this context, we also call for all necessary measures to be taken to protect Palestinian civilians from the collective punishment and daily acts of excessive violence committed by Israel, the occupying Power, against them on their own territory. These measures must include the exertion of the necessary pressure on Israel to remove its inhumane and illegal blockade on the Gaza Strip in order to ensure that adequate humanitarian supplies, including basic construction materials, are delivered to the people of the Gaza Strip to enable them to rebuild and rehabilitate their institutions destroyed by the Israeli machine since 2006.

We call for strengthening the exchange of information, monitoring and reporting on crimes against humanity in armed conflict. We also favour the strengthening of the system to ensure that those responsible for such crimes do not enjoy impunity, so as to ensure that such crimes are not repeated. We also advocate for the promotion of effective specialized judicial proceedings to address such crimes and for the development of national and international capacities in the areas of verification and prosecution.

In conclusion, as part of its commitment to the protection of civilians in armed conflict, the United Arab Emirates will continue to actively participate in and support various humanitarian relief programmes and peacekeeping, reconstruction, rehabilitation and mine clearance operations in a number of conflict-affected areas, with a view to alleviating the suffering of their inhabitants.

We hope that the deliberations of the Security Council on this topic today will contribute to fostering and coordinating international, regional and national efforts aimed at protecting civilians in armed conflict and violent crises, and to the development of tools and applications to that end.

The President (*spoke in French*): There are still a number of speakers remaining on my list for this meeting. Given the lateness of the hour, I intend, with the concurrence of the members of the Council, to suspend the meeting until 3 p.m.

The meeting was suspended at 1.20 p.m.

United Nations S/PV.6531 (Resumption 1)

Security Council

Sixty-sixth year *Provisional*

6531st meeting

Tuesday, 10 May 2011, 3 p.m.
New York

***President*:**	Mr. Briens	(France)
***Members*:**	Bosnia and Herzegovina	Mr. Vukašinović
	Brazil	Mr. Fernandes
	China	Mr. Zhang Changwei
	Colombia	Mr. Alzate
	Gabon	Mrs. Onanga
	Germany	Mr. Schroeer
	India	Mr. Choudhary
	Lebanon	Mr. Jaber
	Nigeria	Mrs. Aguwa
	Portugal	Ms. Vaz Patto
	Russian Federation	Mr. Tolkach
	South Africa	Mr. Ratlou
	United Kingdom of Great Britain and Northern Ireland	Mrs. Stevens
	United States of America	Mr. Banks

Agenda

Protection of civilians in armed conflict

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The meeting resumed at 3.10 p.m.

The President (*spoke in French*): I wish to remind all speakers to limit their statements to no more than four minutes in order to enable the Council to carry out its work expeditiously.

I now give the floor to the representative of Australia.

Mr. Goledzinowski (Australia): Australia welcomes the opportunity to address the Council on the protection of civilians in armed conflict, a subject which should be at the centre of our collective efforts in the field of international peace and security.

I would like to thank you, Mr. President, for having convened this debate and all of the speakers for their contributions today.

Discussions about the situation in Libya and in other places quite rightly have occupied the attention of Governments and peoples from around the world. Australia is firmly on the record as a supporter of the strong action taken by the Council on Libya through its resolutions 1970 (2011) and 1973 (2011). Recent debates have highlighted the importance of the concept of the responsibility to protect and the seriousness with which Governments must take their responsibilities in relation to their populations.

However, given the broader topic of this debate, I would like to focus today on a separate subject: the distinct body of work on the protection of civilians in armed conflict that has been developed in the United Nations over recent years.

The protection of civilians during times of armed conflict is firmly rooted in international law. Our efforts towards this objective have come a long way, but there is still much more to be done.

Australia has worked closely with others on concrete steps and actions to enhance the protection of civilians by peacekeeping operations. We would like to highlight four aspects of this work which continue to require sustained attention from all of us.

First, peacekeepers need to know how to protect civilians in increasingly complex operational environments. Guidance and training are key. Australia is very pleased at the progress made this year by the Special Committee on Peacekeeping Operations, which recognized the need for guidance for peacekeepers on the protection of civilians and noted the important work under way to develop training modules for peacekeepers on this issue. To assist in supporting these broader training efforts, Australia has been pleased to partner with the United Nations Institute for Training and Research to develop a documentary on the protection of civilians in peace operations.

Secondly, engaging local communities, including women, in discussions on protection requirements is key both in the planning stages and while peacekeeping missions are deployed in the field. Engaging the community builds trust and lines of communication; it assists in ensuring consistency with efforts which communities already have under way, and can help manage expectations about what peacekeeping missions are able to do, which can assist in preserving their credibility. The development of community alert networks in the Democratic Republic of the Congo is a good example of local engagement that allows isolated communities to contact local authorities and bases of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo when under threat.

Thirdly, a coherent and comprehensive approach by peacekeeping missions to protection of civilians is critical. This includes the clear articulation of roles and responsibilities within a mission and with other relevant players. The Strategic Framework for Drafting Comprehensive Protection of Civilian Strategies, which was also recognized by the Special Committee on Peacekeeping Operations this year, is an important tool in that regard.

Fourthly and finally, peacekeeping missions are there to support the host Government in building capacity to protect its civilians. This requires a clear understanding of the longer-term needs of the host Government. We would argue that it is important to work towards defined benchmarks that can, in the long-term, assist transition planning. Events in Côte D'Ivoire have demonstrated the need for the use of force in response to imminent threats to civilians. The challenge now in Côte d'Ivoire is shifting towards supporting the Government on longer-term protection challenges, such as security sector reform.

After a decade of mandating explicitly for the protection of civilians in peacekeeping operations, there has been considerable progress, but it is important that undertakings made in New York flow through to the field. The establishment of a new United

Nations mission in southern Sudan provides an important opportunity to ensure that we draw on the lessons we have learned and the best practices we have developed in the field from the very beginning.

Ultimately, the best way to protect civilians is to prevent armed conflict in the first place. We believe that the regular horizon-scanning briefings from the Department of Political Affairs can enhance the Council's capacity in this regard. We would also like to add our voice to those who have expressed support for the conflict prevention initiatives of regional organizations, which, given their comparative advantages, can play a unique role in preventing conflicts and their harmful effects on civilians.

The President (*spoke in French*): I now give the floor to the Acting Head of the Delegation of the European Union to the United Nations.

Mr. Serrano: The candidate countries Croatia, the former Yugoslav Republic of Macedonia, Iceland and Montenegro; the countries of the Stabilization and Association Process and potential candidates Albania and Bosnia and Herzegovina; as well as Ukraine, the Republic of Moldova and Georgia align themselves with this declaration.

Let me start by thanking Under-Secretary General Amos, Under-Secretary General Le Roy and Assistant Secretary-General Šimonović for their briefings and important contributions to this very timely debate.

In recent months, the challenges regarding the protection of civilians have been high on the agenda of the Security Council. The European Union (EU) welcomes the increased attention paid by the Security Council to this important issue.

The European Union commends the work conducted within the United Nations in recent years to foster and strengthen a common understanding of protection of civilians in armed conflicts. The joint efforts in the United Nations have, in addition to increasing the understanding of the concept of the protection of civilians, also resulted in the establishment of a platform for action. The landmark resolution 1894 (2009) provides a solid basis, and recent developments in this regard include the presidential statement and updated aide-memoire of November last year (S/PRST/2010/25), the adoption of resolution 1960 (2010) on sexual violence in conflict, and the development of a stronger framework for the protection of civilians by peacekeepers. The European Union strongly welcomes these developments. Indeed, what is important is to make full and coherent use of this platform in order to make a difference on the ground. The informal expert group on protection of civilians has an important role to play in this regard.

Despite all efforts, civilians continue to be victims of disproportionate attacks, deliberate targeting and the indiscriminate use of weapons. Explosive weapons used in populated areas have a high humanitarian impact on civilians and civilian infrastructure. It is estimated that, in contemporary armed conflicts, 90 per cent of the casualties are civilians and only 10 per cent are active combatants. Contemporary armed conflicts leave behind thousands of victims needing, among other things, appropriate medical care and psychological assistance, in many cases for their entire lives.

We need to pay more attention to the situation of victims. The European Union calls on all parties to conflicts, including non-State actors, to fully comply with their international legal obligations to protect civilians and to prevent human rights violations and violations of international humanitarian law. Compliance with and respect for international humanitarian law need to be reinforced, as they also contribute to securing and sustaining humanitarian space and to guaranteeing safe and unhindered access for humanitarian operations and humanitarian workers to populations in need. We are particularly concerned in this regard by the situation in Darfur, where nothing has changed. The Government bombing of civilians is continuing and militia continue to surround internally displaced persons camps.

Further, it is vital to address the question of impunity in the context of the protection of civilians. There must be strong mechanisms of accountability in case of violations, which also provide an essential preventive element. Activities in this regard should seek to support the establishment of an environment in which all persons, institutions and entities are accountable to laws that are consistent with international law, including human rights norms and standards, and international humanitarian law. There must be no impunity for perpetrators of the most serious international crimes: war crimes, crimes against humanity and genocide. The EU supports accountability mechanisms at the international and national levels. The EU also supports the recommendation of the Secretary-General in his 2010 report on the protection of civilians in armed conflict (S/2010/579) to establish commissions of inquiry.

With regard to the protection of civilians in the context of peacekeeping operations, I would like to welcome the development of designated protection of civilians strategies by most peacekeeping missions having a protection of civilians mandate. I would like to underline the importance of all peacekeeping missions with a protection of civilians mandate developing comprehensive protection strategies, including the necessary benchmarks and indicators, without delay. The European Union welcomes the framework for drafting comprehensive protection of civilians strategies in United Nations peacekeeping operations, jointly issued by the Department of Peacekeeping Operations and the Department of Field Support, as a useful tool in this regard. The European Union looks forward to the finalization and dissemination of the training modules for protection of civilians to troop- and police-contributing countries. Peacekeeping operations must be provided with the necessary resources and capabilities to carry out their protection tasks effectively, and force commanders must ensure that these are implemented vigorously. In addition, we welcome the important progress made in the Special Committee on Peacekeeping Operations this year on the protection of civilians.

With regard to current developments in Libya, the European Union has welcomed the adoption of resolutions 1970 (2011) and 1973 (2011), which offer a clear legal basis for the international community to provide protection to the civilian population. We are determined to act collectively and resolutely with all international partners — particularly the United Nations, the League of Arab States, the African Union, NATO, and other regional stakeholders — to implement the adopted resolutions on Libya. The broad-based attendance at the second meeting of the Contact Group on Libya last Thursday in Rome was emblematic of the variety of actors that remain resolute in their commitment to stopping the violent and illegitimate repression of the Libyan people.

The European Union condemns the widespread and systematic violations of human rights, violence and brutal repression perpetrated by the regime against the Libyan people. The European Union calls on all parties to the conflict to respect international humanitarian law and to allow humanitarian organizations full unhindered and safe access to the affected population. The European Union welcomes the referral of the situation to the International Criminal Court (ICC), and calls on all States to fully cooperate with the ICC in compliance with resolution 1970 (2011). We express our appreciation for the swift manner in which the ICC has acted in the situation referred to the Court.

The European Union is taking its share of responsibility through its continuous involvement in the political process and its efforts to provide humanitarian assistance. The European Union stands ready, if requested by the Office for the Coordination of Humanitarian Affairs, to conduct a military operation, in the framework of the Common Foreign and Security Policy, in order to support humanitarian assistance in the region.

The European Union is also deeply concerned about attacks by security forces on peaceful demonstrators elsewhere in the Middle East region, which constitute flagrant violations of human rights law. The European Union is adopting targeted measures to dissuade the Syrian authorities from such practices.

Allow me to reflect on developments in Côte d'Ivoire. The European Union welcomed the adoption and implementation of resolution 1975 (2011), which authorized the United Nations Operation in Côte d'Ivoire to use all necessary means to protect civilians, including preventing the use of heavy weapons, which targeted and harmed the civilian population during the crisis. The effective implementation of resolution 1975 (2011) in Côte d'Ivoire marks an important juncture in highlighting the role of the United Nations with regard to the protection of civilians in armed conflict. The EU also welcomes the establishment by the Human Rights Council of a commission of inquiry to investigate violations on the ground and calls on all sides, in compliance with resolution 1975 (2011), to fully cooperate with the commission.

In conclusion, the adoption by the Security Council of recent resolutions on Libya and Côte d'Ivoire has shown the capacity of the United Nations to act effectively and decisively to protect civilians. The EU very much welcomes that fact and encourages the Security Council to be consistent with decisions taken and to act decisively in order to make a real difference on the ground, as civilians are at grave risk in armed conflicts.

The President (*spoke in French*): I now give the floor to the representative of Qatar.

Miss Al-Thani (Qatar) (*spoke in Arabic*): I would like to thank you, Mr. President, for convening this open debate on the protection of civilians in armed conflict. I would also like to begin by thanking Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs, and Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, for their important briefings this morning.

Thanks to the Security Council's consideration of the issue over the past decade, there have been many recommendations and strategies for the protection of civilians first and foremost, as well as to overcome obstacles to that end and to ensure that civilians receive the humanitarian assistance and protection they deserve. However, many of those recommendations have not been implemented as a result of many impediments. Those include the lack of political will and, generally speaking, goodwill. In that connection, we would like to focus on the need for various political views not to impede the Council's mission when it comes to its responsibility for powerless civilian populations who fall victim to armed conflicts.

Those efforts led to the Security Council's establishment of a Working Group tasked with the protection of civilians and to draw up plans to put an end to all murder and other forms of violence, including sexual violence, affecting civilians. However, the thrust of the recommendations and presidential statements by the Council have unfortunately not yielded the desired results. We therefore call for respect for all legal obligations and resolutions adopted in this area, as the failure to implement them would lead to the proliferation of a culture of impunity and more violence against civilians.

Over the past two years, the Security Council has addressed many fundamental issues to enhance the effectiveness of the protection of civilians in armed conflict. We have also reconsidered efforts undertaken to further promote the protection of civilians. Many proposals and ideas have been put forward to meet the challenges identified in the report of the Secretary-General in 2009 (S/2009/277). However, several fundamental issues must be clarified, including with regard to the responsibilities of the Security Council and the international community and speedy intervention to address the horrors carried out against civilians in armed conflict in areas of political instability. It is also important to adopt a comprehensive approach that allows the Council to tackle the issue of the protection of civilians in innovative ways not yet considered by the Council.

Many important events this year have compelled the Security Council to consider the issue of the protection of civilians and to take swift and decisive action — for instance, to assist the brotherly Libyan people. My country has participated in international efforts to protect Libyan civilians and to provide the necessary assistance in accordance with international legality and resolution 1973 (2011). In that regard, Qatar has committed itself to implement the resolution regarding the protection of civilians in populated areas. We have deployed substantial assistance in the context of the overall emergency humanitarian assistance provided to Libya. We have also chartered several flights to ship hundreds of tons of foodstuffs, as well as 1,450 tons of medical equipment and supplies to that country. More than 400 wounded persons have been transported to Qatari hospitals. We have also shipped approximately 1,000 tons of food supplies and medical supplies by sea. That is in addition to the in-kind assistance and equipment valued at $18 million. A field hospital with full medical facilities has been provided for Libyans on the Libya-Tunisia border. Qatar has also transported to various safe areas more than 8,000 refugees from Misrata.

With regard to efforts by Qatar-based humanitarian organizations, they have provided assistance in kind as well as medical and nutrition assistance to people on the Tunisian border, amounting to $2.5 million. We have also worked to provide the necessary assistance to refugees moving across the borders of Tunisia and Egypt.

Qatar was among the first countries to join the international contact group on Libya. We hosted the group's second meeting, at Doha on 13 April, as an international forum with the top priority of protecting civilians.

Foreign occupation is one of the main threats to the protection of civilians. People under occupation suffer from a variety of challenges that exacerbate their situation. Given the inhuman embargo and practices routinely carried out in the Gaza Strip, we call for every possible measure necessary to protect the civilian population of Palestine from the aggression of Israel, the occupying Power.

In conclusion, the protection of civilians is not just a humanitarian concern. We must also work to take comprehensive measures by seeking to implement existing laws for the protection of civilians in armed conflict, without any sort of discrimination or selectivity and in accordance with international law, international humanitarian law and human rights law.

The President (*spoke in French*): I now give the floor to the representative of Mexico.

Mr. Heller (Mexico) (*spoke in Spanish*): I am grateful to your delegation, Mr. President, for convening this debate. I also wish to express my gratitude for the briefings by Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs, Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations, and Mr. Ivan Šimonović, Assistant Secretary-General of the Office of the United Nations High Commissioner for Human Rights.

The variety and complexity of current conflicts, the lack of respect for the norms of international humanitarian law and the use of increasingly sophisticated weaponry, which have indiscriminate effects on civilian populations, are factors that have increased the challenges for the Security Council. At the same time, they provide the basis on which to determine the course that the international community should follow in addressing this issue of crucial importance.

On the basis of the five challenges that the Secretary-General identified in his latest report (S/2010/579) in order to ensure more effective protection of civilians in armed conflict, we wish to underscore some factors that we believe significant.

First, in order to promote the implementation of international humanitarian law, it is of great importance that States that have not yet done so adhere to the international instruments on international humanitarian law and recognize the customary law applicable in such situations. It is essential that we adopt measures to incorporate the content of such treaties into national legislation and practices.

It is of particular concern that such indiscriminate weapons as cluster munitions are being used in ongoing armed conflicts, despite being prohibited under an international treaty, and that weapons and other explosive devices are regularly used in areas of high civilian concentration. Such uses contravene the prohibition under international humanitarian law of the use of methods and means of combat that cause needless harm and/or unnecessary suffering, as well as the principles of distinction and proportionality, which must be observed at all times.

To that, we would add that the availability of small arms and light weapons as a result of illicit trafficking has direct negative repercussions for the civilian population. We must make progress on the effective implementation of Security Council sanctions regimes, in particular arms embargoes and, in a broader sense, meet international obligations pursuant to the Convention against Transnational Organized Crime and the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Secondly, we must ensure that obligations falling to non-State armed groups are met. All parties to a conflict, whether State bodies, including State coalitions, armed groups or any other actor, whatever their nature, are obliged to respect the norms and principles of international humanitarian law, including those recognized under customary law. It is therefore important not only to enact national legislation on the issue, but also to take broad measures to implement international law at all levels in order to help prevent and avoid non-compliance by such actors.

Thirdly, we need to improve the protection of civilians by peacekeeping missions and other relevant United Nations missions. We recognize the progress made within the Organization to provide specific mandates in that regard, and we recall the importance of cooperation with other actors involved in such efforts, such as the International Committee of the Red Cross and national Red Cross societies. Measures such as those set out in resolution 1882 (2009) for the protection of children in armed conflicts, or in the provisions of resolution 1894 (2009) — which focuses in an innovative way on ensuring that the mandates of peacekeeping operations include civilian protection strategies and action plans that guarantee coordination between United Nations missions and humanitarian organizations — represent significant progress. However, we continue to regret the various attacks taking place against civilian populations in different regions.

Fourthly, it is particularly important to improve access for humanitarian assistance. The instruments of international humanitarian law are very clear on the obligation of States and parties to a conflict to allow safe, timely and unhindered access for humanitarian aid. It is regrettable that this obligation is repeatedly ignored in ongoing armed conflicts.

Lastly, accountability must be improved. States have the primary responsibility to bring to justice the alleged perpetrators of violations of international humanitarian law, including war crimes. We believe that the international instruments on international humanitarian law — in particular the four Geneva Conventions, their Additional Protocols and customary international law — provide a solid basis of principles and norms for the protection of all those not participating in hostilities or who have ceased to take part in them. It is crucial that they be respected by all parties to a conflict, regardless of their nature or the kind of conflict in question.

The International Criminal Court is an indispensable tool for preventing impunity in that it is empowered to try alleged perpetrators of such violations if a State is unable or openly unwilling to do so. Therefore, we urge the States that have not yet done so to ratify the Rome Statute and to cooperate fully with the Court. The Council's power under the Statute to refer situations to the Court, as happened with the situations in Darfur and more recently in Libya, is key to the efforts under way to prevent future violations of international humanitarian law. It is crucial that the Council closely follow up such referrals and urge the relevant States to fully cooperate with the Court in order to successfully implement those mandates.

We are following closely and with concern the situation affecting broad sectors of civilians in North Africa. In that regard, we recall that all parties to the hostilities, whether State bodies, armed groups or any other actor, whatever their nature, are obliged to respect the norms and principles of international humanitarian law, including those recognized under customary international law.

We acknowledge that the resolutions recently adopted by the Council on Libya and Côte d'Ivoire were aimed primarily at protecting the civilian population and helping to ensure humanitarian assistance. The legitimacy of the Security Council's actions rests with the fundamental objective of ensuring the protection of civilians in conflict, regardless of the region or particular country.

In June 2010, when my delegation held the presidency of the Security Council, we held a debate on strengthening the rule of law, in which, through the adoption of a presidential statement (S/PRST/2010/11), we acknowledged that respect for international humanitarian law was an essential element in situations of conflict, and reaffirmed that the protection of the civilian population in armed conflicts was essential to any comprehensive strategy for conflict resolution.

Certainly, the Council must take specific, effective and resolute actions to address such situations, as required by those who suffer the trials of armed conflict and as demanded by States such as Mexico that are convinced of the leading role that the Security Council must play in that regard.

The President (*spoke in French*): I now give the floor to the representative of Kenya.

Ms. Ojiambo (Kenya): I wish to express my sincere appreciation to you, Mr. President, for organizing this important debate. I thank Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights, for their statements earlier today.

When conflict erupts, its major victims are civilians, mainly women and children. My delegation therefore welcomes the Secretary-General's latest report (S/2010/579) on the protection of civilians in armed conflict, which provides contemporary guiding principles on the matter.

Eleven years ago, the Council addressed the protection of civilians in armed conflict as a thematic issue for the first time. Since then, the adoption of resolution 1265 (1999) and other related resolutions, such as 1296 (2000), 1674 (2006), 1738 (2006) and 1894 (2009), as well as the endorsement of the aide-memoire (see S/PRST/2010/25, annex) and the establishment of the Expert Group on the Protection of Civilians bear testimony to the Council's continued commitment to enhancing the protection of civilians in armed conflict.

However, continual cases, such as those involving the mass rape of women and children by rebel groups in the Democratic Republic of the Congo, are stark reminders that action to stop such violations needs to be taken now. Therefore, today's debate provides us with yet another opportunity to reflect on the progress made, the challenges we face and the steps we need to take to address this recurring problem while renewing our political will and resolve to rally support for the protection of those helpless civilians who so often find themselves trapped in conflict situations.

The question of protection deserves deeper reflection owing to its complex and multifaceted nature. It involves enhanced compliance with international humanitarian law by all parties to a conflict, making more effective use of United Nations peacekeeping missions, improving humanitarian access and strengthening accountability for violations. It is therefore imperative that this critical issue be addressed while taking into account all of those underlying considerations.

The task of protecting civilians is currently enshrined in the mandates of a number of United Nations peacekeeping missions. The first such mandate was authorized to provide protection to civilians more than a decade ago in Sierra Leone, where amputations were the order of the day. At present, the majority of United Nations peacekeeping missions operate with such mandates. However, there are real challenges in their implementation and the Council needs to provide peacekeeping missions with clear, realistic guidelines and achievable mandates. It is prudent that aspects of the protection of civilians be included in predeployment training.

Additionally, at the operational level, presence equals protection. The abuse of civilians in armed conflict most often takes place in areas that are inaccessible to peacekeeping contingents. Therefore, there is a need to ensure that adequate capacity and resources are made available to peacekeepers so as to enable them to cover areas where civilians are under imminent threat of physical violence, while ensuring that they conduct their tasks without prejudice to the primary responsibility of the host nation to protect civilians. That can be achieved only through the deployment of more armed personnel than is the case in many missions today.

Sexual violence is no longer a simple by-product of armed conflict. It is being used as a weapon of war, aimed at dehumanizing and instilling fear in civilians in situations of armed conflict. Whether carried out by non-State armed groups or Government security forces in conflict and post-conflict situations, it is to some extent designed to achieve political and military objectives. The adoptions of Security Council resolution 1325 (2000) addressing the impact of war on women, resolution 1820 (2008) calling for the cessation of all acts of sexual violence against civilians, and resolution 1888 (2009) establishing the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict are efforts that are expected to give new impetus to the protection of civilians in conflict. As the United Nations considers a new configuration in the Sudan, the issue of protection of civilians should remain pivotal.

Parties to a conflict have obligations under international humanitarian law to protect civilians. It is regrettable that many non-State armed groups do not understand that such law exists and, hence, have no regard for it. The Council needs to enhance compliance by consistently calling on all parties to adhere to their obligations under international humanitarian law, especially in exercise of the principles of distinction and proportionality. Additionally, the Council needs to apply targeted measures against parties who routinely violate their legal obligations to respect civilians.

The Council must further ensure that investigations into alleged violations of civilians in armed conflict are conducted in a timely manner, with commensurate consequences for violators. That will not only promote accountability among the various actors, but also demonstrate the Council's intolerance for impunity as part of a comprehensive approach to ensuring that perpetrators are brought to justice through national or international legislation and that victims are granted redress.

Providing unhindered humanitarian access during conflicts is a fundamental prerequisite for ensuring life-saving assistance. It is therefore important for peacekeeping missions to provide a secure environment to facilitate humanitarian access to civilians, including displaced persons. While current efforts to enhance the capacity of peacekeeping missions to provide protection to humanitarian service providers are commendable, significant challenges remain. The Council should therefore address that aspect during the authorization of mandates, consistently condemn all acts of violence against humanitarian workers, and call on parties to a conflict to comply with their obligation to protect such personnel and their consignments.

I wish to conclude by reaffirming Kenya's commitment to the protection of civilians in armed conflict and to guaranteeing their rights in conformity with international humanitarian law. As the Council may be aware, Kenya clearly understands the effect of failures to provide that protection, as we are currently providing shelter to close to 1 million refugees from Somalia, which is a war-torn country. Considering the fact that civilians continue to be subjected to indiscriminate attacks and other violations by parties to conflict, and taking into account that they comprise the vast majority of casualties, we all need to work consistently towards enhancing their protection.

The President (*spoke in French*): I now give the floor to the representative of Chile.

Mr. Errázuriz (Chile) (*spoke in Spanish*): I congratulate your country, Sir, on having assumed this month's presidency of the Security Council and for your timely initiative to convene today's open debate on the protection of civilians in armed conflict. Unfortunately, that issue has been very much in the news and requires the attention of the United Nations.

My delegation wishes to express its appreciation for the briefings given today by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights and Head of the New York Office of the United Nations High Commissioner for Human Rights. Chile associates itself with the statement delivered by the representative of Switzerland on behalf of the Human Security Network, of which Chile is a member.

In recent years, the United Nations has made significant progress in the protection of civilians in armed conflict. The Council has adopted a number of important resolutions, including resolution 1325 (2000) on the protection of women in armed conflict, the significance of which marked a milestone in efforts to address that issue. My country has developed its own national plan in that regard. The Council also adopted resolution 1960 (2011) establishing monitoring, analysis and reporting arrangements on conflict-related sexual violence.

The Secretary-General has expressed particular concern regarding the protection of civilians and, within the Department of Political Affairs, has consolidated a conflict-prevention system that includes, among other measures, a mediation unit and provisions for collaboration between the Offices of the Special Adviser on the Prevention of Genocide and of the Special Adviser on the Responsibility to Protect. Those initiatives have better positioned the Organization, the Council and the Secretary-General to identify potential conflicts and, if necessary, take appropriate measures to potentially prevent them.

However, States themselves hold the primary responsibility for protecting their populations. They must create early warning and conflict detection mechanisms and adopt corresponding preventive measures. As that has not always been possible, however, the Council has had to take the measures necessary to adequately protect civilians in conflict situations. The adoption of resolutions 1970 (2011) and 1973 (2011) on Libya responds to that need. The measures contemplated in those resolutions are adequate for the protection of civilians, and their implementation must also be so. When States cannot protect their civilians, the international community, through the United Nations, cannot remain indifferent to the fate of those whose rights are being seriously, systematically and repeatedly violated.

Chile categorically recognizes the important work carried out by peacekeeping forces in the protection of civilians. My country appreciates the measures adopted by the Department of Peacekeeping Operations to endow these forces with instruments, resources and codes of conduct suitable for effective action in this area. Today, almost all peacekeeping operations carry out tasks involving the protection of civilians, and eight of them have a specific mandate to provide physical protection.

At the same time, peacekeeping operations today are multidimensional, with important components having to do with the protection of civilians such as human rights monitoring, humanitarian assistance, capacity-building, restoration of infrastructure and services, and security sector reform, among others. Chile believes that a comprehensive approach is the most effective way to address and respond to threats to the safety of civilian populations in situations of armed conflict. We welcome not only the normative measures adopted but also those practices on the ground aimed at preventing and mitigating the effects of violence on civilians in armed conflict.

It is important to enhance interaction between the host Government, the Security Council, troop-contributing countries and the Secretariat in order to reduce the gap between the decision-making process and the concrete implementation of those decisions on the ground. It is therefore also of great importance to overcome the major obstacles affecting peacekeeping operations, such as access to resources, teams and capacity-building, prior to deployment.

Respect for and implementation of international law and international humanitarian law are inextricably linked to combating impunity. Putting an end to impunity must be seen as part of a comprehensive approach in the search for a sustainable peace, justice, truth and national reconciliation. Concerted efforts are required to cooperate with national judicial mechanisms in order to develop their capacities and ensure that perpetrators are brought to justice and tried in accordance with international standards.

Restoring the rule of law, security sector reform and the mechanisms for transitional justice are key areas in which national systems must be strengthened and receive support through effective international cooperation. The International Criminal Court, as well as other tribunals and mixed courts, play an important complementary role. Chile supports all those measures aimed at combating impunity, whether at the national or international levels.

Civilians affected by violence in armed conflict have a right to reparations and compensation. In this regard, we must not neglect the value of symbolic reparations as a way of healing the wounds of societies in post-conflict countries.

The situation of the civilian population in countries in crisis is of concern to us. Their physical and emotional well-being must be respected and the relevant channels for dialogue must be kept open, allowing for a political solution to be found, while ensuring respect for fundamental freedoms and human rights.

The President (*spoke in French*): I now give the floor to the representative of Morocco.

Mr. Loulichki (Morocco) (*spoke in French*): I would like to start by thanking France for having organized this debate on a topic that affords us an opportunity to take stock of the progress achieved and the best practices, so that we may together identify areas in which additional efforts are necessary to guarantee better protection of civilians in armed conflict. I would also like to pay tribute to the valuable contributions to this debate by Ms. Amos, Mr. Le Roy and Mr. Šimonović.

The Security Council has been considering for over a decade the question of the protection of civilians in armed conflict. This ongoing commitment by the Council has led to progress in terms of norms, which should be welcomed, and to progress on the ground, which needs to be consolidated. The Secretary-General's report on the protection of civilians in armed conflict, of November 2010 (S/2010/579), underscores the importance of adopting a comprehensive approach combining the legal, humanitarian and security aspects of dealing with the protection of civilians in armed conflict.

This is a complex, multidimensional task. To better protect civilians and relieve their suffering, we must collectively strengthen respect for international law, especially international humanitarian law, and provide those peacekeeping operations that have a mandate for the protection of civilians with the necessary resources to better implement that mandate.

In this context, the Security Council is called to develop clear and realistic mandates for peacekeeping operations. This is particularly necessary when the protection of civilians is mandated. These mandates must, furthermore, take into account the financial and logistical resources provided to peacekeeping operations as well as the operational command structure of the operations, in consultation with Member States.

Seven peacekeeping operations have a mandate to protect civilians. This is a significant development that needs to be underscored and welcomed while mainstreaming the use of optimal practices for the protection of civilians in peacekeeping operations with such mandates.

Training for peacekeeping operations leadership is also an important aspect that we need to focus on. We welcome the ongoing development by the Department of Peacekeeping Operations of predeployment and in-mission training modules for blue helmets in close cooperation with troop-contributing countries. However, and along with these achievements, we should not forget that the protection of civilians is but one aspect of the complex mandates of certain peacekeeping operations. The main task of these operations is to facilitate a peace process and ensure transition to a lasting peace.

One of the fundamental items for the success of mandates for the protection of civilians is programmes for the disarmament, demobilization and reintegration of combatants. My delegation believes that additional efforts should be undertaken to finance the crucial reintegration phase and to enhance States' capacities in post-conflict situations. When it is mandated, the protection of civilians often gives rise to excessive expectations in terms of public opinion and among the population of the host country. However, simply looking at the numbers of peacekeeping troops and comparing them to the population to be protected amply demonstrates that the blue helmets cannot guarantee protection for all.

The protection of civilians in armed conflict requires strict respect for international humanitarian law, as I said, by the parties to the conflict. We must note that in many situations, the militarization of refugee camps — which often makes it hard to distinguish between combatants and non-combatants — thus prevents humanitarian actors from discharging their mission and providing assistance and care to vulnerable populations in these camps.

The control of civilian populations by non-State actors operating either in connivance with the host country's authorities or without their knowledge is a challenge that the international community must meet. This control over entire civilian populations sometimes even leads to a rejection of a basic requirement, namely the counting and registering of the population, without which it is pointless to speak of protection, much less of the right of return. Moreover, it is precisely that lack of protection and of distinction between civilians and combatants in refugee camps that leave the door open for opportunistic terrorists to abuse some refugees, use them in hostage-taking actions and even destabilize entire regions.

I cannot conclude my remarks without properly honouring the work of United Nations blue helmets and humanitarian workers, who are prepared every day to make the ultimate sacrifice to protect civilians in conflict zones. The increasing dangers they brave in carrying out their noble work command our admiration and more than justify all the praise they regularly earn from the United Nations.

The President (*spoke in French*): I now give the floor to the representative of Norway.

Mr. Langeland (Norway): Over the past years, we have seen encouraging progress in efforts to enhance protection measures in armed conflict. Despite progress, the situation for civilians remains grim. That has been amply proven true as we have witnessed the unprecedented series of crises in the Middle East, North Africa and sub-Saharan Africa in the past months. Norway would like to emphasize six points that are critical to the debate on the protection of civilians.

First, the key to the protection of civilians is that all States and parties bear the primarily duty to protect civilians. The protection of civilians is a broad agenda firmly anchored in the responsibility of States to protect their own citizens and the complementary responsibilities by the international community to assist countries to fulfil their obligations.

Secondly, the Security Council has a responsibility to authorize international protection when States fail and betray their obligations to the extreme of widespread and indiscriminate killing of their own people. We welcome the Council's decisiveness in taking necessary measures under Chapter VII to protect civilians in both Libya and Côte d'Ivoire. Norway has clearly supported resolutions 1970 (2011), 1973 (2011) and 1975 (2011) and contributes to the implementation of two of those resolutions. But we want to emphasize that those are measures of last resort and were authorized after a series of other preventive measures, that is, condemning acts of violence, imposing targeted sanctions and promoting accountability through international commissions of inquiry and referral to the International Criminal Court.

Recent actions taken by the Security Council, in particular resolutions 1973 (2011) and 1975 (2011), have raised concerns regarding intentions, impartiality and possible ramifications for the broader agenda of the protection of civilians. For us, it is essential that such mandates are implemented strictly to protect civilians and do not go beyond that.

The international community should work towards common positions without double standards and be able to take appropriate actions when it is necessary. We urge the Security Council to continue responding robustly, swiftly and consistently when international law and human rights are gravely violated. The grave situation in Syria should not be an exception to this rule.

Thirdly, it is important to emphasize that the common positions on the protection of civilians agenda, which have been developed by the international community over the past decade, need to be upheld and further enhanced. The updated aide-memoire (S/PRST/2010/25, annex), the adoption of resolution 1960 (2010), which establishes a monitoring and reporting mechanism on conflict-related sexual violence, and the new strategic framework for the protection of civilians in peacekeeping missions are important steps forward.

Fourthly, it is essential to ensure that humanitarian principles are not compromised and that humanitarian assistance is not used for military and political purposes. Constraints on humanitarian access must be systematically monitored and properly addressed. Today's armed conflicts usually take place in densely populated areas, with extensive civilian losses and damage to civilian buildings and infrastructure as a result. In our view, international humanitarian law also includes the Anti-Personnel Mine Ban Convention and the Convention on Cluster Munitions. Norway supports the Secretary-General's call for more work by the international community to better understand the impact of explosive weapons in populated areas and to develop mechanisms for improving civilian protection in that regard.

Fifthly, it is vital that the parties to a conflict bear the primary responsibility to investigate and prosecute alleged violations of humanitarian law conducted by forces under their command. The culture of impunity must end. All parties must be held accountable under law. That is why we believe it is important to consider the key recommendations of the Secretary-General's Panel of Experts on Accountability with regard to the situation in Sri Lanka during the war in 2009. We welcome their report, which reiterates the need for accountability in Sri Lanka. Credible allegations of human rights and humanitarian law violations by both parties to the conflict should immediately be properly investigated.

Sixthly, we witness today the essential role played by the free media in areas affected by armed conflicts. Thanks to media reporting, the killings, rapes and looting in Walikale territory of the Democratic Republic of the Congo were brought to the world's attention. Journalists can be instrumental in preventing mass atrocities. Resolution 1738 (2006) calls on all Governments to protect journalists in armed conflicts and to end violence and attacks against journalists. That resolution must be fully implemented, and a stronger focus on the monitoring of such violations is necessary.

Let me conclude by reaffirming that Norway is fully committed to the agenda of the protection of civilians in armed conflicts. It is important that common norms continue to be developed and implemented.

The President (*spoke in French*): I now give the floor to the representative of Turkey.

Mr. Müftüoğlu (Turkey): We join our colleagues in thanking Under-Secretaries-General Amos and Le Roy, as well as Assistant Secretary-General Šimonović.

The Council is holding this meeting today against the backdrop of the historic events that are sweeping the Middle East and North Africa. The dynamics of change that have been set in motion by the democratic aspirations of the masses and the transformation we are witnessing as a result are irreversible. Cognizant of the fact that fundamental change never comes about easily, Turkey nevertheless is seriously concerned about the loss of civilian life and the ongoing suffering of civilian populations on a daily basis throughout the unfolding of these dramatic events.

Allow me to emphasize that Turkey condemns any and all deliberate attacks on civilians and the deaths resulting from the indiscriminate and excessive use of force. We are aware that, as always, the primary obligation for protecting civilians lies with States. However, the international community also has a responsibility to help protect civilians in situations where States openly fail to do so. That is essentially what happened in Libya. The international community cannot, and could not, simply look away when civilians are, and were being, targeted.

Turkey has played an active role from the very beginning of the crisis, both to alleviate the suffering of the Libyan people and to bring about a rapid political resolution to the conflict. While we are taking part in NATO operations based on resolutions 1970 (2011) and 1973 (2011), our humanitarian assistance to Libyans also continues, both bilaterally and in cooperation with partners. One of the three pillars of the road map that we have proposed is the formation of secure humanitarian zones that would provide unimpeded humanitarian aid flow to all Libyans without discrimination. Establishing a genuine ceasefire and setting in motion an inclusive political process are also key to the stabilization of Libya.

The developments over the past few months, in particular vis-à-vis Libya and Côte d'Ivoire, have triggered a new debate on the notion of the protection of civilians and how it can be taken forward. It is clear that, both conceptually and pragmatically, new ground has been broken and there are important questions that need to be answered. Bearing in mind that perceptions are as important as realities, Turkey believes that this is a necessary and welcome debate, which we must have in the United Nations, especially as the protection of civilians will continue to be an integral part of the work we do here in many different settings. It might be useful for the Council's informal experts group on the protection of civilians to take this matter up with a view to providing a thorough analysis and in-depth reflection of the state of play.

While Libya has justifiably been given a lot of attention over the past several months, when the protection of civilians is being discussed we should not fail to recall the plight of the Palestinian people. Whether in Gaza or the West Bank, Palestinians continue to suffer under blockades and occupation, while their fundamental rights are denied. This sad state of affairs is not sustainable, and must be addressed within the context of a two-State solution as a matter of the utmost urgency. Let me also take this opportunity to underscore our determination to follow up the process of inquiry, until justice is done, into the Israeli attack on the humanitarian aid convoy to Gaza, which took place almost a year ago in international waters and resulted in nine civilian deaths and many wounded.

With regard to the application of the concept of protection of civilians, let me reiterate our position that counter-terrorism efforts do not constitute armed conflict and cannot be considered as such. We should make a clear distinction between the counter-terrorism efforts of law enforcement agencies and armed conflict. Turkey strongly condemns all acts of terrorism and the use of civilians as human shields, and acknowledges the legitimate right of Governments to combat terrorism.

Before concluding, I wish to underline that the rule of law, human rights, democracy and good governance should be strengthened in order to ensure the long-term and lasting protection of civilians. We should ensure that the perpetrators of violence against civilians are held accountable for their actions. They should know that they will face justice eventually.

The President (*spoke in French*): I now give the floor to the representative of Ukraine.

Mr. Sergeyev (Ukraine): Thank you, Mr. President, for allowing Ukraine to contribute to this important and timely debate. Let me also thank Under-Secretary-General Valerie Amos, Under-Secretary-General Alain Le Roy and Assistant Secretary-General Ivan Šimonović for their insightful briefings.

Ukraine aligns itself with the statement delivered on behalf of the European Union.

Ukraine is alarmed by the fact that civilians continue to account for the majority of casualties in conflicts, as well as a high number of displaced persons. We are deeply concerned by the frequency and gravity of attacks against civilians, especially women and children, and by issues of safety for humanitarian personnel and of timely humanitarian access to those in need, particularly vulnerable groups. My country attaches great importance to such issues, especially in its capacity as an active participant in peacekeeping operations and as a member of the Peacebuilding Commission and the Executive Board of UN-Women.

We welcome the increased understanding of the primacy of the protection of civilians in situations of armed conflict and the ever-growing attention to this issue within the United Nations. Ukraine commends the work of the Secretary-General and his Special Representative on Sexual Violence in Conflict, as well as that of Member States, particularly concerning the implementation of resolutions relating to women and peace and security. My delegation fully supports a comprehensive approach to addressing the issue of the protection of civilians. This will entail, in particular, taking further action to address core challenges, namely, to strengthen compliance with international humanitarian law and international human rights law, including by non-State armed groups; to improve the mechanisms for the protection of civilians through United Nations peace operations; and to improve humanitarian access and strengthen accountability for violations.

In this context, we support the systematic use of practical tools such as the updated version of the 2002 aide-memoire (S/PRST/2010/25, annex). We believe that it is still possible to improve coherence and mainstreaming in this area, including through promoting stronger interaction between all relevant actors and through monitoring and oversight, particularly by developing indicators for civilian protection.

Accountability for violations of international law — including the deliberate targeting of civilians, their use as human shields, indiscriminate or disproportionate attacks and delays or denials of humanitarian access — is also an issue that must be tackled. The questions of how to translate thematic principles into actual protection of civilians on the ground, and how to improve prevention, including with early warning and assessment, in the context of the responsibility to protect, should, we believe, be a focus of all our efforts.

Ukraine's commitment to the efforts of the United Nations in the area of the protection of civilians in armed conflict stems from the principles I have mentioned. Among recent concrete manifestations of that unwavering commitment we can single out the humanitarian mission carried out by Ukraine in April using its landing ship *Konstantin Olshansky* to evacuate civilians from Libya. As a result of this initiative by the President of Ukraine, a total of 193 citizens of 20 nationalities, including 78 women and 35 children, were put on board the large landing ship *Konstantin Olshansky* and transported out of harm's way. I should stress that this mission was undertaken in full compliance with the relevant Security Council resolutions — namely, resolutions 1970 (2011) and 1973 (2011) — and with due notification of the Secretary-General from the outset.

It is the same unshakable commitment and sense of responsibility for the protection of civilians under threat of imminent violence that lies behind Ukraine's decision to be an active participant in the provision of temporary reinforcements to the United Nations Operation in Côte d'Ivoire. We are proud of the contribution that the Ukrainian aviation unit made to the United Nations efforts to save civilians in Abidjan, thanks to which thousands of innocent lives, mainly of women and children, were spared the imminent danger posed by deadly heavy weaponry. As in the first case I mentioned, Ukraine acted strictly in accordance with international law, and in particular with the unanimously adopted resolution 1975 (2011).

Finally, let me assure you, Mr. President, that my country will spare no efforts to continue to contribute to our common goal of protecting civilians around the world.

The President (*spoke in French*): I now give the floor to the representative of Croatia.

Mr. Vilović (Croatia): Let me begin by congratulating you and your delegation, Sir, on your presidency of the Security Council for the month of May. I assure you of the full support of my delegation. I also thank you and your delegation for initiating this meeting and bringing the Council together to discuss an issue that is critically important to the Republic of Croatia, and surely to all nations.

Allow me to thank Under-Secretary-General for Humanitarian Affairs Valerie Amos, Under-Secretary-General for Peacekeeping Operations Alain Le Roy and Assistant Secretary-General for Human Rights Ivan Šimonović for their enlightening briefings. Their presence here today shows the clear commitment of the United Nations to placing this issue at the highest possible level.

Croatia aligns itself with the statement delivered by the representative of the European Union. I would now like to make some additional remarks in my national capacity.

In our opinion, the question of the protection of civilians in armed conflict deserves more consistent attention from the Council. Statistics over the past 20 to 30 years clearly show that civilian casualties in conflict areas have consistently outnumbered military casualties and continue to do so. In the twenty-first century we are still witnessing gross violations of international humanitarian law in which civilians are increasingly and deliberately becoming a primary target of armed groups. It is evident that the nature of contemporary conflict has changed. Nowadays, in the conduct of armed conflict, civilians more often than not become the targets of armed attacks and atrocities that include murder, deportation and ethnic cleansing, as well as rape and sexual violence, which have thus become weapons of war.

This goes directly against the commitments made in the 2005 World Summit Outcome document (General Assembly resolution 60/1), as well as the relevant Security Council resolutions that reaffirm the provisions of paragraphs 138 and 139 in that document. The international community should encourage and help States to exercise their responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity. Such acts of violence must be thoroughly investigated and the perpetrators brought to account. It is therefore imperative that the International Criminal Court, as well as national courts, be the crucial focus of justice for victims, and thus a reminder that there can be no tolerance for any criminal act.

This has proved a valuable tool in combating impunity, a corrosive force that can undermine opportunities for reconciliation and building lasting peace. Over the years, the Security Council has acted in numerous other ways to enhance the agenda of the protection of civilians. The Council has promoted the use of mediation in order to help prevent the outbreak of armed conflicts in crisis situations. It has used its influence on parties to armed conflicts to observe standards of protection, including by imposing targeted measures against parties in cases of violations of international humanitarian and human rights law. We should not be seen to be deficient in fulfilling our commitments.

Despite several positive developments in the Council, Croatia remains extremely concerned about the severity and prevalence of attacks on civilians, especially women and children. The Council has a responsibility to respond to situations of armed conflict where humanitarian assistance is being deliberately obstructed, not merely by calling on the parties involved to allow unimpeded passage to relief, but also by imposing targeted measures in grave instances of the wilful impediment of the delivery of such supplies. The Council needs to provide strong and effective leadership on this issue, including by taking concrete action when necessary, with the ultimate aim of ending mass atrocities. We thus support the international community's increased preparedness to take collective action through the Security Council when national authorities manifestly fail to protect their populations from violations of humanitarian law.

In addition, we express our deep concern over the further worsening of the situation in Libya and plead for the cessation of violence that is claiming more victims by the day. We harshly condemn the use of force by the Al-Qadhafi regime against civilians and demand that such violence cease immediately. As a country taking active part in the international efforts to prevent further civilian casualties in Libya, Croatia fully supports the implementation of resolution 1973 (2011) on establishing a no-fly zone and stiffening the existing sanctions against the Al-Qadhafi regime imposed under resolution 1970 (2011). Once more, we recognize the importance of fully respecting the legal framework and mandate set out by the relevant resolutions in order to take, individually or through regional organizations and arrangements — especially by members of the League of Arab States and the African Union — all necessary measures to protect civilians in Libya.

Additionally, we share the deep concern over the humanitarian situation, the number of casualties and the escalation of violence in Syria, Yemen and Bahrain, as well as in the now-appeased Côte d'Ivoire. We invite the governing structures in these countries to refrain from using violence against political opponents and civilians who are committed to change. Continuing repression leads to unnecessary killings, strengthens antagonisms and contributes to the radicalization of certain social and political groups. Political, economic and social reforms are necessary for restoring lasting and non-oppressive stability in those countries, and they can be implemented only through a comprehensive national dialogue.

Croatia also co-sponsored a resolution adopted during the special session of the Human Rights Council on 29 April, whereby it condemned the use of lethal violence against peaceful protestors by the Syrian authorities and urged the Syrian Government to put an end to all human rights violations and respect all fundamental freedoms, including the freedoms of expression and of assembly.

Lastly, I would like to welcome the establishment of the New York Office of the High Commissioner for Human Rights, which we see as a step forward in strengthening a heightened profile for human rights in the United Nations system. We commend the Office for its consistent and structured work and its integrated approach to human rights, which is necessary to enhance the protection civilians in armed conflict. We look forward to our continued cooperation.

The President (*spoke in French*): I give the floor to the representative of Canada.

Mr. Rivard (Canada) (*spoke in French*): I would like at the outset to thank France for having convened this open debate. I also wish to express my appreciation to Ms. Amos, Mr. Le Roy and Mr. Šimonović for their remarks to the Council today. The protection of civilians is a cross-cutting issue involving various dedicated actors. Close collaboration among these actors is key to ensuring that our approach is effective, comprehensive and coherent.

Since the last open debate on this item (see S/PV.6427), the evolving situations in Libya, Côte d'Ivoire and, most recently, Syria have once again drawn the attention of the international community to the protection needs of populations affected by violence and armed conflict. Canada welcomes the strong protection of civilians mandates for Libya and Côte d'Ivoire adopted by the Security Council in resolutions 1970 (2011), 1973 (2011) and 1975 (2011). Deliberate and targeted attacks on civilian populations must not be tolerated. In Libya, Canadian forces have proudly joined other NATO allies and regional partners in implementing these resolutions.

I would like to focus on three specific areas where the Council's attention and action are required.

First, Canada believes that continued efforts are required to ensure a coherent United Nations approach to addressing protection issues. It is essential that United Nations agencies work in close collaboration with each other and build on each other's expertise. The Security Council can play a leadership role ensuring a comprehensive approach to addressing protection issues. To that end, Canada strongly encourages Council members to use all the tools at their disposal, such as the aide-memoire (S/PRST/2010/25, annex) and the informal group of experts on the protection of civilians, to ensure greater consistency in the manner the Council addresses protection issues.

Secondly, it is critical that international protection norms and comprehensive protection strategies be more effectively implemented. That is why Canada welcomes the framework for drafting comprehensive strategies for the protection of civilians in United Nations peacekeeping operations, which will assist senior mission leadership to develop comprehensive mission strategies. Building on this initiative and past lessons learned, we also urge the development of effective operational guidance on the tasks and responsibilities of peacekeeping missions in the implementation of protection of civilians mandates, as recognized in resolution 1894 (2009).

Success can be truly achieved, however, only when protection strategies are fully integrated into the day-to-day work of United Nations country teams and peacekeeping missions. Protection mandates need therefore to be taken into account from the earliest planning stages of a United Nations mission. It is important that protection objectives be adequately resourced and that training for military and civilian mission staff be more consistent and readily available. New missions to be deployed in the near future, such as that in South Sudan, will offer opportunities to put these concepts into practice.

(*spoke in English*)

Humanitarian access is also an important component of a protection strategy. Humanitarian actors require full, safe and unhindered humanitarian access to populations in need of assistance. The access challenges facing humanitarian workers in Libya highlight the challenges that remain. Canada calls on the Council to continue efforts to systematically monitor and analyse constraints on humanitarian access.

It is also important that protection strategies be clear, concrete and measurable. That can be ensured by drawing on clear indicators and benchmarks, which can help demonstrate where progress is being made and where additional efforts are required. Monitoring and reporting mechanisms contribute to ensuring that violations of international human rights and international humanitarian law are documented and reported to the Council for consideration and action. In this regard, Canada welcomed the Security Council's adoption of resolution 1960 (2010) in December 2010, which calls for the establishment of monitoring, analysis and reporting arrangements to address conflict-related sexual violence.

Finally, accountability for those who violate international law by targeting civilian populations is fundamental. Canada has been a consistent supporter of the international courts and tribunals that strive to hold individuals to account and contribute to the prevention of such crimes. The recent decision of the Security Council to refer the situation in Libya to the International Criminal Court sent a clear message that there will be consequences for committing serious international crimes, including for those who have ordered and incited illegal attacks on civilian populations.

Strengthening accountability mechanisms in national jurisdictions is also key, as it is States that bear the primary responsibility for investigating and prosecuting violations. Recent convictions of high-ranking army officers for mass rape in the Democratic Republic of the Congo are providing a useful example, and Canada commends these efforts.

In closing, Canada welcomes the Council's continued attention to the protection of civilians in armed conflict. It is essential that the implementation of protection strategies be strengthened through concrete, effective and measurable actions. The Council can count on Canada's full support so that together we develop a better understanding of the challenges that remain, identify effective means to address the gaps and ensure that civilians everywhere are better protected from the harms of armed conflict.

Mr. Mayr-Harting (Austria) (*spoke in French*): I thank you, Mr. President, for having organized this very important debate.

(*spoke in English*)

I should also like to thank Under-Secretaries-General Amos and Le Roy and Assistant Secretary-General Šimonović for their interesting presentations. Let me add that we have always felt it particularly important that the Office of the High Commissioner for Human Rights be associated with this debate. Austria aligns itself with the statements made on behalf of the European Union and the Human Security Network.

Members of the Council and others present will not be surprised that this is the first debate for which my country has decided to return to this table since our term as member of the Council came to an end. This is an issue to which we have been particularly attached, including during our presidency in November 2009, which saw the adoption of resolution 1894 (2009). Austria remains strongly committed to this issue and will continue to work with interested Member States and the Secretariat to enhance the United Nations protection capacities.

I would also like to say that we welcomed the initiative under the presidency of Brazil to address all three protection clusters on the Council's agenda in one set of consultations. Recent years have seen substantial improvements in the United Nations ability to prevent and react to serious violations of international humanitarian and human rights law. Comprehensive consultations, such as those held in February, can enhance the coordination between the existing protection frameworks and mechanisms.

The events in Libya and in Côte d'Ivoire over recent months have shown how challenging the issue of the protection of civilians remains. The Security Council has a core responsibility in ensuring the compliance of all parties to a conflict with international humanitarian, human rights and refugee law. With the adoption of resolutions 1970 (2011) and 1973 (2011) on Libya, as well as resolution 1975 (2011) on Côte d'Ivoire, the Security Council has sent a strong signal that serious violations of international humanitarian and human rights law cannot and will not be tolerated by the Council.

As stated in resolution 1894 (2009), the Security Council also has an important role to play in ending impunity, as the representative of Canada has jus said. We call on the Council to consistently use the tools at its disposal, which include referring situations to the International Criminal Court, as was recently done with the situation in Libya; mandating commissions of inquiry, as proposed in the Secretary-General's latest report on the protection of civilians in armed conflict (S/2010/579); or imposing targeted sanctions. We welcome the Secretary-General's announcement that he will undertake a review of the United Nations experiences in establishing commissions of inquiry in order to identify how such mechanisms might be used more consistently.

We also share the concern of the Secretary-General over the threat posed to civilians by explosive weapons, as outlined in his 2010 report on the protection of civilians in armed conflict. Deployed in populated areas, these weapons cause unacceptable suffering for women, children and men, even years after their initial use. Austria urges all States to accede to and strengthen relevant international instruments, such as the Mine Ban Treaty, the Convention on Cluster Munitions, and Additional Protocols II and V to the Convention on Certain Conventional Weapons.

United Nations peacekeeping operations are among the Organization's most effective tools to protect civilians affected by armed conflict. We therefore welcome the efforts made by the Secretariat pursuant to resolution 1894 (2009) to improve the implementation of protection mandates by peacekeeping operations. The finalized strategic framework for drafting comprehensive protection strategies provides a solid basis for a coordinated and coherent approach. In addition, the resource and capability matrix can serve as a useful tool in the planning of missions and help to ensure that protection mandates are matched with adequate resources. Appropriate predeployment and in-mission training is key in order to increase the awareness and responsiveness of peacekeepers to protection needs.

The events in Walikale in August 2010 and other incidents of widespread sexual violence in situations of armed conflict show that peacekeepers need to have the capacity to interact closely and communicate effectively with local communities and the host Government in order to carry out their mandate and prevent an escalation of violence. We would like to reiterate the importance of taking gender sensitivities into account and making full use of all components available to mission, including civil affairs officers and community liaison interpreters.

A consistent approach by the Council to the protection of civilians includes an accurate assessment of the achievements and remaining challenges in the field. We therefore strongly support the Secretary-General's recommendation that peacekeeping and other relevant missions develop specific benchmarks against which to measure and review progress. In this regard, lessons learned from the United Nations Mission in the Central African Republic and Chad could serve as a very useful basis.

We also welcome the development by the Secretariat of guidance for United Nations peacekeeping and other relevant missions on protection of civilians reporting. We support the Secretary-General's intention to develop indicators in relation to the monitoring and reporting of achievements in protecting civilians in armed conflict. This will be an important tool for measuring progress and, as a consequence, adjusting the Council's actions.

Finally, we would like to underline the importance of the Secretary-General's recommendation that pressing protection issues be consistently and comprehensively dealt with by the Council, even in cases where they are not formally on its agenda. I think that the experience we have had with such innovative formats as informal interactive debates can also help the Council to deal with these challenges. Discussions and briefings in the informal expert group on the protection of civilians should be used in a continuous manner to ensure that the Council's deliberations are informed and comprehensive.

The President (*spoke in French*): I now give the floor to the representative of the Bolivarian Republic of Venezuela.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The report of the Secretary-General on the protection of civilians of 3 May 2011 identifies some contentious issues that have emerged during discussions at the United Nations. Is military force the best way to protect civilians? Does the Security Council truly resort to the use of force only as a last resort to protect civilians? Has the Security Council acted selectively when choosing which civilians deserve protection and which do not?

These issues must be discussed in the United Nations, where some are using the noble purpose of protecting civilians as a pretext to occupy sovereign countries and promote national interests. Humanitarian reasons are invoked while war crimes are committed. Civilians are being killed, including women and children, allegedly in the defence of civilians.

The boundless avarice and neo-colonialist ambition of some countries are the greatest threats to civilians, human life and nature in the world. Venezuela stresses the need to address the broader root causes of conflict, including inequality, poverty, unemployment and domination by a foreign power, which would make it possible to contribute to the prevention and peaceful resolution of conflicts and the genuine protection of civilians.

Venezuela has consistently condemned attacks against civilians, regardless of the perpetrator. Attacks on civilians and civilian targets are banned under international law; however, indiscriminate attacks using missiles and bombs are being launched on Libyan territory, killing civilians and even troops of the opposition forces, in places that have no connection with the no-fly zone or the protection of civilians.

The Bolivarian Republic of Venezuela condemns the killing of the son of leader Muammar Al-Qadhafi, Saif Al-Arab Muammar Al-Qadhafi, and three of his grandchildren, the victims of one of the bombings that day after day massacre civilians in that sister African nation. The Bolivarian Government demands that the United Nations condemn such illegal acts.

The Fourth Geneva Convention and the Rome Statute define as war crimes the indiscriminate and disproportionate use of force; attacks against civilians, regardless of their perpetrator; and the imposition of collective punishment.

It is deplorable that some of the countries members of the Security Council should provide weapons and military advice and be part of the military structure of the opposition to the Government of Muammar Al-Qadhafi, when they should, as members of this body, maintain impartiality in an internal conflict, one that the Libyan people must resolve independently.

It is deplorable that NATO forces are acting as an army in the service of an insurgent group against the Government of Libya, thereby detracting from the humanitarian character of the protection of civilians in armed conflict.

It is regrettable that certain countries are seeking regime change in Libya, in violation of the Charter of the United Nations. Those actions contravene resolution 1973 (2011), which calls for respect for the sovereignty and territorial integrity of Libya.

The Bolivarian Republic of Venezuela calls for the creation of independent and impartial international mechanisms for monitoring a ceasefire and promoting a dialogue between the parties as well as a peaceful solution to the conflict that would preserve the sovereignty and territorial integrity of Libya.

The Security Council not infrequently acts selectively when deciding which civilians deserve protection, and it also implements sanctions regimes in a biased fashion so as to punish Governments of developing countries.

How is it that Israel has not been sanctioned for its massive violations of the human rights of the Palestinian people? Why have the massacres of innocent civilians in Iraq and Afghanistan not been condemned?

Venezuela believes that powerful countries are manipulating the concept of the responsibility to protect, when they are seeking solely to impose their strategic interests on the world. The responsibility for protecting civilians lies solely with States. The assistance that the international community can offer in this regard should be in support of national efforts at the request of the State concerned.

Venezuela believes that in situations of internal conflict, diplomacy and dialogue are the only means of protecting civilians. It is of great concern, therefore, that the Security Council, instead of promoting peace and security throughout the world, could become a mechanism for war.

The President (*spoke in French*): I now give the floor to the representative of Botswana.

Mr. Ntwaagae (Botswana): I wish to thank you, Mr. President, for giving me the floor to share the views of my delegation on this very important subject. I wish also to thank the French presidency for having convened this open debate.

Our main concern in dealing with this question should be how the international community can ensure that the people who, in most cases, contribute the least to a conflict are not harmed by it.

It is a foregone conclusion that civilians continue to account for the majority of casualties in conflict situations around the world. The numbers of those forced to flee their homes to escape violence, internally or across borders, is quite staggering.

History is replete with examples of innocent civilians who perished in the millions or were displaced permanently by the unforgiving horrors of war. The survivors of the initial onslaught often succumb to the second stage of atrocities, where lifesaving food, water, medicine and other forms of humanitarian relief are denied them.

It is reprehensible to resort to armed conflict whenever there is a small difference of opinion between contending parties, each claiming exclusive rights and control over the other. In this conflagration, it is, unfortunately, the women and children who suffer the most, as they are subjected to acts of violence that include murder and maiming; sexual violence; forced displacement from their homes; forced recruitment, in the case of children, as child soldiers; and kidnapping and human trafficking, as well as enslavement and other traumatic psychological experiences.

It is deeply regrettable that violent attacks against civilians continue to this day, even after the adoption by the international community of a robust international legal framework and conventions and protocols designed to serve and protect civilian populations to a much greater extent than had been intended by the Hague Conventions of 1899 and 1907, which centred on the danger of indiscriminate warfare.

Half a century later, the Geneva Conventions of 1949 and their Additional Protocols, which act as the central pillar of international humanitarian law, have not enjoyed strict observance by warlords and other aggressors.

While the international community remained united in the utilization of this body of international law to effectively curb the effects of conflict and protect those who do not take part in the hostilities, the instigators of violence undermined that objective by directing attacks at vulnerable segments of their own populations, killing their own people and depriving them the basic necessities of life, even to the extent of impeding the delivery of humanitarian relief supplies to them.

In their actions, belligerents deliberately choose to blur their vision in distinguishing between active combatants and non-combatants and often fail to abide by the intents and purposes of the provisions of landmark resolutions such as General Assembly resolution 2444 (XXIII) of 19 December 1968, which stipulates that a distinction should be observed between persons taking part in hostilities and members of the civilian population, so that the latter can be spared as much pain and suffering as possible.

We note that there have been significant steps in providing guidance for the effective protection of civilians, especially through the production by the Office for the Coordination of Humanitarian Affairs of the fourth edition of the aide-memoire (S/PRST/2010/25, annex), which serves not only as a practical tool for facilitating the Council's deliberations but also as a repository of useful information for the benefit of Member States.

We note with appreciation that, following the Council's adoption of resolution 1894 (2009), there has been forward movement in the five core pillars identified in the resolution as the main challenges to ensuring more effective protection of civilians, namely, enhancing compliance by parties to a conflict with international law; enhancing compliance by non-State armed groups; enhancing protection by United Nations peacekeeping and other relevant missions; enhancing humanitarian access; and enhancing accountability for violations of international law.

The resolution places primary responsibility for the protection of civilians on the States themselves, as well as on the authorities on the ground. The critical question of countering impunity cannot be overemphasized. Even though arrests and prosecutions for crimes against humanity, war crimes and human rights violations remain disappointingly low at both the domestic and the international levels, there is a necessary deterrent value in the establishment of the international legal architecture represented by bodies such as the International Court of Justice and the International Criminal Court (ICC). Besides the deterrent value of ending impunity, promoting accountability on the part of leaders and thereby saving thousands of lives, international judicial bodies such as the ICC have provided victims with their only avenue to justice, especially in situations where local judicial systems are either unwilling or lack the capacity to prosecute crimes and acts of violence.

In order to give impetus to the effective protection of civilians in armed conflict, Botswana has ratified many of the main international law conventions, including the 1949 Geneva Conventions and their 1977 Protocols, as well as the main conventions on refugees. In addition, Botswana continues to host refugees and asylum seekers from a number of countries in the region. My delegation shares the view expressed by other delegations that the burden of providing and sustaining security and humanitarian assistance in refugee camps and settlements should be shared by the rest of the international community, including in the area of demobilization and repatriation.

Allow me to seize this opportunity to pay tribute to those countries that have been at the forefront of saving lives by sending their own men and women to the front lines to assist in the management of conflict and the protection of civilian populations around the world. Although Botswana does not presently have active military contingents in United Nations peacekeeping operations, due to its limited resources, the country has in the past contributed troops to the African Union Mission in Sudan before it was replaced by African Union-United Nations Hybrid Operation in Darfur, as well as in Somalia and in Mozambique. We are proud of our modest contribution to international peace and security in this regard.

Let me conclude by raising the thorny issue of the proliferation of small arms and light weapons. This is an issue that unfortunately does not receive sufficient attention in the recent report of the Secretary-General on the protection of civilians in armed conflict (S/2010/579). However the issue is featured prominently in the aide-memoire I referred to earlier in my remarks. The aide-memoire contains recommendations for consideration by the Council involving arms embargoes, sanctions and legal measures against corporate actors involved in the manufacture and supply of weapons used to sponsor and sustain conflict. Even though resolution 1894 (2009) highlights the point that the accumulation of such weapons has a destabilizing effect and poses

> "a considerable impediment to the provision of humanitarian assistance and [has] a potential to … prolong conflicts, endanger civilians and undermine security and the confidence required for a return to peace and stability" (*resolution 1894 (2009), para. 29*),

it does not go far enough.

My delegation is of the view that perhaps it is time for the Security Council to adopt more aggressive measures to deal with the problem of the proliferation of small arms and light weapons and their supply and use, as well as the undesirable effect of such weapons in the sustenance of conflict. The Security Council has enough capability to be more rigorous in addressing the challenge and destabilizing effect of small arms and light weapons with possibly the same vigour as that devoted to the effects of landmines and other explosive remnants of war.

In conclusion, my delegation is of the humble opinion that consideration should be given to extending to small arms and light weapons the call of the Secretary-General in his report for "more systematic data collection and analysis of the human costs" (*S/2010/579, para. 50*) of the use of explosive weapons in order to deepen similar understanding of the humanitarian impact of these weapons, to guide and strengthen the implementation of international and human rights law and, above all, to increase the chances of survival of innocent civilians in conflict situations.

The President (*spoke in French*): I give the floor to the representative of Slovenia.

Ms. Leskovar (Slovenia): Allow me at the outset to thank France for having organized this open debate on protection of civilians. I would also like to thank Under-Secretaries-General Amos and Le Roy and Assistant Secretary-General Šimonović for their important contributions to today's discussion.

Slovenia fully aligns itself with the statements delivered by the Acting Head of the Delegation of the European Union and by the representative of Switzerland on behalf of the Human Security Network.

The situation of civilians in armed conflicts around the world remains alarming. Civilians continue to account for the majority of casualties in conflicts and are often the deliberate targets of different forms of violence by all parties to conflict. Special attention should be paid to the most vulnerable groups, in particular women and children.

The issue of the protection of civilians is gaining importance in this Chamber. In November 2009, the Council took an important step forward with the adoption of resolution 1894 (2009) and introduced new provisions that focus on humanitarian access, the implementation of protection measures in peacekeeping operations, and monitoring and reporting. We welcome the informal consultations of the Security Council on the broader issue of protections of civilians that took place in February under the Brazilian presidency.

The Security Council's activities in protecting civilians have been of particular relevance over the past few months, particularly with the adoption of resolutions on Libya and Côte d'Ivoire. The Council proved that it can act both timely and decisively in order to protect civilians. We welcome the fact that the Council has started to address concerns with respect to the protection of civilians more systematically, and we call upon it to continue to address these concerns consistently in its country-specific resolutions and presidential statements.

As we have emphasized in our previous statements in this Council, impunity represents one of the major obstacles to the prevention of grave and systematic violations committed against civilians in armed conflict on the ground. All parties to conflict, including non-State actors, must comply with international humanitarian, human rights and refugee law. Ending impunity is essential if war-torn societies are to recover from conflict and to prevent any future human rights abuses. That is why we believe that the Council should also be sensitive to the issue of accountability when discussing country situations on its agenda.

In that context, we stand firm on the position that there can be no sustainable peace without justice. We therefore welcome the fact that resolution 1970 (2011) on Libya also contains a reference to the International Criminal Court (ICC). The systematic fight against impunity for grave crimes committed predominantly against civilians started with the establishment of international tribunals, such as the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, and later on the ICC. In our opinion, the support of the international community and of individual States for those tribunals is of vital importance. Equally important is the cooperation of States with them. Slovenia reiterates its support for all international criminal tribunals, especially the ICC.

Situation-specific resolutions have increasingly called for protection to be prioritized in the implementation of peacekeeping mandates. We particularly welcome the development of comprehensive strategies on the protection of civilians, which assist missions in understanding the relevant threats facing civilians in their areas of operation and enable them to better channel their efforts towards addressing them. Special attention should be given to including appropriate wording on sexual and gender-based violence when formulating peacekeeping mandates, given the ongoing reports of mass rapes and similar crimes from conflict zones. It is essential that the Council provide peacekeeping missions with clear mandates and appropriate resources to enable peacekeepers to implement their mandate fully.

The impact of explosive weapons on civilians, particularly in densely populated areas, remains a concern. They cause severe harm to individuals and communities and increase suffering by damaging vital infrastructure. They continue to constitute an obstacle to the return of refugees and displaced persons, humanitarian aid operations, reconstruction and economic development, as well as the restoration of normal social conditions, and have serious and lasting social and economic consequences for populations. Here, I wish to emphasize that my country implements various projects in the field of mine action carried out by the International Trust Fund for Demining and Mine Victims Assistance in Bosnia and Herzegovina, established by the Slovenian Government.

Let me conclude by stressing that the continuous support and engagement of the Council are crucial to the protection of civilians on the ground. The Council has recently demonstrated its willingness to act swiftly and decisively, together with relevant regional organizations, in responding to disproportionate attacks on civilians. Future efforts should seek the consolidation of such determination and of applicable international law into effective action on the ground.

The President (*spoke in French*): I now give the floor to the representative of Peru.

Mr. Gutiérrez (Peru) (*spoke in Spanish*): At the outset, I would like to thank France for having organized this debate. I am also grateful for the briefings given by Ms. Valerie Amos, Under-Secretary-General for Humanitarian Affairs; Mr. Alain Le Roy, Under-Secretary-General for Peacekeeping Operations; and Mr. Ivan Šimonović, Assistant Secretary-General for Human Rights.

In the previous debate on the issue last November (see S/PV.6427), we outlined a clear message to the effect that the United Nations can and must do more on the ground to meet the requirements for the protection of civilians. We believe that considerable progress has been made in determining the operational mechanisms and guidelines to accomplish that task, in particular in the context of peacekeeping operations, as can be seen in the strategic framework for drafting comprehensive protection of civilian strategies and the recommendations adopted only yesterday by the Special Committee on Peacekeeping Operations.

The treatment of the protection of civilians in armed conflict is multidimensional and cuts across the work of the various United Nations bodies, in particular in the context of the General Assembly and the work of the Third and Sixth Committees through various resolutions, among which those on the "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts" and the "Intensification of efforts to eliminate all forms of violence against women" stand out.

The protection of civilians is a fundamental factor in achieving peace, sustainable and viable political processes, and the credibility and legitimacy of this Organization. While parties in conflict have the obligation and responsibility to take the steps necessary to protect civilians and to assist the provision of humanitarian aid, the political commitment not only of such parties, but also of this Organization, in particular the Security Council, must be strengthened, bearing in mind that, as resolution 1894 (2009) notes, the deliberate targeting of civilians and the systematic violation of international humanitarian law and human rights norms in situations of armed conflict may constitute a threat to international peace and security.

In that regard, it is vital that protection of civilians mandates be clear, viable and specific so that their implementation is not left to the free interpretation of those executing them. It is a priority to underscore the elements that the mission must address, and provision must be made for such mandates to include appropriate and sufficient allocation of the necessary resources for their implementation in order to avoid expectations exceeding the capacity of the missions, in particular with respect to the use of force. When peacekeeping operations are charged with the task of protecting civilians, their multidimensional nature and the various actors of which they are comprised, as well as the indispensable political commitment that they require, must be considered.

Another clear message from the ongoing consideration of the issue is the need to improve and strengthen the fight against impunity in the light of violations of international humanitarian and human rights law and the aforementioned responsibility to protect civilians. There is international criminal responsibility in the case of such violations. We should recall that the international community, through the four Geneva Conventions of 1949 and their Additional Protocols, as well as under customary international law, provided mechanisms for States to try and punish the perpetrators of war crimes.

Likewise, through the Rome Statute of the International Criminal Court, the Court's jurisdiction to try those who commit war crimes was established pursuant to article 8 of the Statute, regardless — and I repeat, regardless — of which party to the armed conflict commits them, under the principle of complementarity and through effective cooperation with the Court. Allow me here to underscore once again the importance of avoiding selectivity so that the Court's work and the mandates of the Security Council are not perceived as tainted with any political bias.

To conclude, as mandates for the protection of civilians are developed case by case, we believe it to be of the greatest importance to develop preventative analysis prior to the deployment of a mission. That will require an analysis of the risks to be faced in order to have the best possible knowledge of the parties to and circumstances of the conflict and to achieve a better comprehensive political and strategic direction. It will also make possible better guidance on the necessary coordination in the field.

The President: I now give the floor to the representative of the Netherlands.

Mr. Schaper (Netherlands): I would like to thank you, Mr. President, for organizing this important debate. Of course, I align myself with the statement delivered by the representative of the European Union.

My comments will focus on the relationship between the protection of civilians and the responsibility to protect, which is an important relationship that has been acknowledged in various resolutions on the protection of civilians in recent years.

The two principles — the protection of civilians and the responsibility to protect — have different origins, and their practitioners do not always seem to see eye-to-eye. The Netherlands therefore believes that it is important to enhance our collective understanding of both principles and how they are related in their implementation.

Conceptually, the responsibility to protect and the protection of civilians are indeed distinct. The responsibility to protect is focused on the four specific crimes of genocide, war crimes, ethnic cleansing and crimes against humanity, be they committed in conflict or non-conflict situations. The protection of civilians, however, is broader in scope, as it aims to protect the general safety, dignity and integrity of all human beings, while at the same time being focused on conflict situations in particular.

At the same time, the two principles are also closely related, as they share a similar normative foundation that consists of four elements. The first is that the protection of individuals is a primary responsibility of each State. Secondly, the international community plays a supportive role concerning both principles. Thirdly, prevention and early warning are key aspects of the protection of civilians and the responsibility to protect. Let me repeat here that prevention is a key component. Fourthly, neither the protection of civilians nor the responsibility to protect is synonymous with military intervention. Both are much broader concepts.

Support for the protection of civilians and the responsibility to protect alike has also grown among the membership of the United Nations. We welcome that development. The Special Committee on Peacekeeping Operations has made important progress this year on the protection of civilians and effective peacekeeping. The framework for drafting comprehensive strategies for the protection of civilians in United Nations peacekeeping operations is a welcome tool. The three-tier approach for the protection of civilians, as described in that framework, holds great promise and enhances prevention aspects.

We also saw increasing consensus on the responsibility to protect during the General Assembly debates in 2009 and 2010. In 2009, the Secretary-General articulated a three-pillar approach for implementing the responsibility to protect, which has been very useful.

In his 2010 report (A/64/864), the Secretary-General focused, much to our agreement, on the importance of early warning mechanisms in preventing the four responsibility-to-protect crimes. The proposals to strengthen the Office of the Special Adviser on the Prevention of Genocide attracted the overwhelming support in the Fifth Committee and the General Assembly in December 2010.

A second positive development is that progress in practice has also been achieved, especially in two respects, namely, prevention — the importance of which I already mentioned — and military measures. Timely mediation by the international community in Kenya and Guinea prevented further mass atrocities and protected civilians. Both have made further action by the Council unnecessary and, at the same time, set important precedents for preventive measures.

As far as military measures are concerned, a distinction can be made between situations in which a United Nations mission is already present on the ground and those in which that is not the case. For instance, the United Nations Operation in Côte d'Ivoire (UNOCI) played an important role in halting further violence in the country through the robust implementation of its mandate to protect civilians. In doing so, UNOCI also contributed to the prevention of further developments that might have amounted to crimes against humanity.

In Libya, the implementation of resolutions 1970 (2011) and 1973 (2011) by the coalition resulted in the protection of civilians and the prevention of massive crimes against humanity in Benghazi and other cities in the country. The language of the recent resolutions on Libya acknowledges the very close relationship between the protection of civilians and the responsibility to protect. The Netherlands is very pleased about that.

We believe that we need to acknowledge the relationship between the responsibility to protect and the protection of civilians. In our view, doing so strengthens the implementation of both principles, individually and jointly. That includes looking for synergies between the two principles. For example, the reform of the judiciary creates a safer environment for civilians and helps to prevent the four responsibility-to-protect crimes from happening.

The same holds true for the implementation of human rights conventions, the training of police forces and support to inclusive political processes. Early warning is another area where synergies are possible. I would like to highlight two specific issues in that regard. First, the United Nations, and the Council in particular, should focus more systematically on prevention, including in situations that are not yet on the Council's agenda. We therefore welcome the monthly briefings to the Council by the Department of Political Affairs. We also welcome the statements by the Secretary-General on serious country situations and his role in drawing the Council's attention to them. That is a good example of putting into practice his promise to inform the Council about what it needs to hear, not what it wants to know. We hope that the Council will consistently act on his recommendations, and we are heartened by the progress already made in that respect.

Secondly, integrated peacekeeping missions and special political missions of course have a very important role to play in the protection of civilians. In our view, those missions can and should also support, within their means and capabilities, host Governments in the prevention of the four crimes and in the exercise of their responsibility to protect. Where appropriate, mandates should enable missions to fulfil both of those roles.

In conclusion, we believe that the protection of civilians and the responsibility to protect are extremely important principles. We have to acknowledge their similarities and strengthen their relationship in practice. That will benefit both principles and their implementation in any given situation.

The President (*spoke in French*): I now give the floor to the representative of Azerbaijan.

Mr. Musayev (Azerbaijan): At the outset, I would like to thank you, Mr. President, for organizing this timely and important open debate on the protection of civilians in armed conflict.

It is symbolic that today's meeting has been convened immediately following the celebration of the sixty-sixth anniversary of the end of the Second World War and the commemoration of its victims. That war was a great tragedy that demonstrated the destructive consequences of tyranny and disregard and contempt for human dignity, rights and freedoms.

A response to the overwhelming horrors of crimes perpetrated during the wartime occupation of large parts of many nations served as the basis for the founding of the United Nations, the establishment of multinational judicial institutions and the proclaiming of fundamental values, such as peace and respect for human rights. The significant development of international norms and standards for the protection of civilians and the engagement of the Security Council, including the adoption of a number of important resolutions and practical steps towards their implementation, have turned increased attention to protection issues.

However, efforts to ensure a peaceful, just and prosperous world have not always been consistent and successful. As a consequence, civilians continue to suffer from inadequate protection and discriminatory treatment in situations of armed conflict.

Azerbaijan's interest in the issue under consideration is obvious and stems from its efforts to contribute to the achievement of sustainable peace and development and its practical experience of addressing the impact of armed conflict on civilians.

As is known, in its resolutions adopted in 1993 in response to the occupation of Azerbaijani territories, the Security Council referred specifically to violations of international humanitarian law, including the displacement of a large number of civilians in Azerbaijan, attacks on civilians and bombings of inhabited areas. The European Court of Human Rights later arrived at an important conclusion qualifying the behaviour of those carrying out the incursion into the territory of Azerbaijan as acts of particular gravity that could amount to war crimes or crimes against humanity.

In recent years, important steps have been taken for the protection and vindication of rights and the prevention and punishment of crimes having an international dimension and scope. We believe that ending impunity is essential, not only for the purposes of identifying individual criminal responsibility for the most serious crimes of international concern but also for ensuring sustainable peace, truth, reconciliation, the rights and interests of victims and the well-being of society at large.

It is essential that peace efforts and peace agreements never encourage the acceptance of the situations achieved by the unlawful use of force or other egregious violations of international law and never promise amnesty for genocide, war crimes, crimes against humanity and gross violations of human rights.

Particular consideration must be given to the implications for the protection of civilians in armed conflicts aggravated by population displacements and foreign occupation. The impact of conflict on housing, land and property, as well as discrimination on ethnic grounds and forced demographic changes in such situations, require a more consistent approach in order to put an end to illegal practices and policies and ensure the safe and dignified return of displaced populations to their homes.

It is important that the recognition of the right to return, along with increased attention to its practical implementation and concrete measures aimed at overcoming obstacles preventing return, be applied by the international community with more systematic regularity. Ensuring the right to return constitutes a categorical rejection of the gains of ethnic cleansing and offers important measures of justice to those displaced from their homes and land, thereby removing a source of possible future tension and conflict.

The lack of agreement on political issues cannot be used as a pretext for not addressing problems caused by continued and deliberate disrespect for international humanitarian human rights law in situations of armed conflict and military occupation.

Therefore, we proceed from the importance of reaffirming, with respect to such situations, the continuing applicability of all relevant international legal norms, achieving the invalidation of activities aimed at the consolidation of military occupations, initiating urgent measures towards removing the adverse effects of such activities and discouraging any further practices of the same or similar nature.

The President (*spoke in French*): I now give the floor to the representative of Bangladesh.

Mr. Mahmood (Bangladesh): Let me begin by congratulating France on its assumption of the presidency of the Security Council for the month of May 2011. I would like to thank you, Mr. President, for convening this important meeting. Allow me also to express our sincere thanks to the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, the Under-Secretary-General for Peacekeeping Operations and the Assistant Secretary-General for Human Rights and Head of the New York Office of the Office of the United Nations High Commissioner for Human Rights for their comprehensive briefings this morning.

Civilians continue to account for the vast majority of casualties in armed conflicts. It is against this backdrop that the States Members of the Organization pledged in the Millennium Declaration to expand and strengthen the protection of civilians in complex emergencies. Protection for civilians is a basic principle of humanitarian law. Civilians not taking part in the fighting must on no account be attacked and must be spared and protected. The 1949 Geneva Conventions and their 1977 Additional Protocols contain specific rules to protect civilians. In situations that are not covered by these treaties, in particular internal disturbances, civilians are protected by the fundamental principles of humanitarian law and human rights law. However, a large number of civilians continue to be exposed to the atrocities of conflict.

The vulnerable situation of civilians in post-conflict societies needs special attention. Long after guns have fallen silent, such people remain traumatized by the atrocities of war. For peace to be sustained, they must be rehabilitated and reintegrated into their communities more effectively, and the perpetrators must bear the resultant cost.

Peacekeeping operations are one of the important tools available to the United Nations to protect civilians in armed conflict. As one of the largest troop-contributing countries, Bangladesh is playing its part in ensuring peace and security in different parts of the world. In several situations, such as in Côte d'Ivoire, our peacekeepers have also been injured by the parties to the conflict while performing their duties. We feel that the issue of the resource gap in peacekeeping missions should be adequately addressed.

Similarly, it should also be kept in mind that United Nations blue helmets cannot be seen as the only instrument to protect civilians in such situations. The host country has the primary responsibility for protecting its civilians. International efforts including the use of force should be the last resort, and the relevant provisions of the United Nations Charter must be respected. Allow me to add here that the presence of uniformed female personnel may play a pivotal role in a State's ability to protect its citizens. In that regard, I would like to take this opportunity to refer to the efforts of the all-female Bangladeshi formed police unit working in the peacekeeping mission in Haiti.

I would like to mention what my delegation considers to be two overarching themes for the protection of civilians in armed conflict. The first relates to prevention and the building of a culture of peace. Prevention is at the heart of protection. The preventive capacity of the Organization must be enhanced. At the same time, Member States need to take steps to inculcate the values of peace, tolerance and harmony that contribute to long-term prevention.

The second theme is that of coordination among all stakeholders, including various political, humanitarian, military and development components of United Nations missions in the field. We appreciate some improvements in that regard. However, much needs to be done. My delegation stresses the need for effective coordination, particularly between the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Refugees, the Department of Peacekeeping Operations and the Department of Political Affairs.

My delegation condemns all violations of international humanitarian and human rights law and stresses the need to combat impunity, safeguard access for humanitarian assistance and protect the safety of humanitarian aid workers. My delegation expresses its grave concern over such violations and breaches of law. For example, total disregard and rejection of humanitarian and international laws and values, especially that of the occupation forces in the occupied territories of Palestine for years now, is a disgrace to humanity.

In Libya, civilians continue to be attacked during the conflict. We are greatly worried by the reports of deaths, injuries and violence. The delivery of essential medical supplies and other relief items and the evacuation of third-country nationals, the wounded and others who require emergency medical assistance have also been severely affected.

Finally, my delegation strongly urges the international community, particularly the Council, to take effective steps to ensure respect for and compliance with the Geneva Conventions in all such situations in a uniform manner. We urge parties to conflict to comply strictly with international humanitarian, human rights and refugee law for the protection of civilians and provide unimpeded access to humanitarian aid. We call on all parties to conflicts to strengthen the protection of civilians through heightened awareness at all levels, particularly through the training, orders and instructions issued to armed forces.

The President (*spoke in French*): I now give the floor to the representative of Armenia.

Mr. Nazarian (Armenia): Thank you, Mr. President, for organizing this important discussion on a topic that has gained sound public and political acknowledgement.

It is commendable that this body has continued its practice of holding open debates on the protection of civilians, featuring briefings by the Under-Secretaries-General and Assistant Secretary-General, which offer an analysis of the Council's action as compared with previous years and also touch upon important developments. In a lessons-learned process, this open debate should also enable the Council to more effectively address specific concerns related to the protection of civilian populations.

The Council has to send a clear message to all parties in armed conflict regarding their obligation and condemning violations of international humanitarian and human rights law. In this context, the Security Council should have clearly defined goals and priorities for its work. It is important that the Council, while preventing conflict, be focused on the protection of civilians within the overall process of peaceful resolution of disputes, because only by addressing the root causes of conflicts can sustainable peace be achieved, which in turn will contribute to the protection of civilians.

The frequency with which the Security Council addresses this issue reflects the urgency of the matter and the need for the international community to fulfil its commitments to protecting civilians through the implementation of provisions of international humanitarian law. Therefore, we share the views expressed by Council members and other speakers calling for more systematic attention to protection, and we believe that it should be frequently reflected in the deliberations of the Security Council.

We strongly condemn deliberate attacks on and the killing of civilians through the indiscriminate or disproportionate use of force, which is a gross violation of international humanitarian law in any conflict in any part of the world. In this context, increased efforts to fight impunity at the national and international levels are essential.

It is unfortunate that, despite the existence of international legal instruments and normative mechanisms, innocent civilians, including women and children, as well as international humanitarian personnel, continue to suffer in conflict situations. Undoubtedly, the prosecution of those responsible for crimes committed against peaceful populations continues to be an urgent matter. We believe that the Security Council should further contribute to the strengthening of the rule of law and the upholding of international law by supporting criminal justice mechanisms. The relevant United Nations entities and international treaty bodies should also continue to play their important role. The priority at this point is to ensure the comprehensive and effective implementation of existing norms.

Today's debate also offers an opportunity for the Council to evaluate progress on key issues, such as the implementation of resolution 1894 (2009), and to indicate areas where further focus is needed, including the enhancement of compliance with international humanitarian law and the strengthening of accountability for its violation. Ensuring such accountability and enhancing compliance with international legal obligations by parties to a conflict should be viewed as key elements of the Council's responsibility to maintain international peace and security. Bettering the use of established sanctions regimes and implementing the binding resolutions that call upon all States to adopt national legislation for the prosecution of individuals responsible for genocide, crimes against humanity and war crimes are important in this context.

Armenia welcomes the French initiative to hold this open debate. It is an opportunity to recapitulate and reflect on the Council's past experiences in dealing with the issue of protection and to highlight priority aspects of the practical actions of the United Nations.

The President (*spoke in French*): I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): On behalf of my country, I would like to thank the Security Council for the holding of this open debate to discuss the protection of civilians in armed conflict.

The entire international community understands that this very important subject cannot be dealt with selectively or subjected to one-sided interpretations. We therefore believe that the protection of Palestinian, Syrian and Lebanese civilians suffering under Israeli occupation is part and parcel of this much-appreciated international effort in the context of the impartial and exact implementation of the mandate to protect civilians in armed conflicts. I say this in particular because the Security Council has long been involved in debating this important matter, while Israel, rightly and legally referred to as the occupying Power, has all the while continued its gross violations against civilian populations in occupied Arab territories.

Paragraph 3 of the guidelines annexed to General Assembly resolution 46/182 — by which the Assembly established the Office for the Coordination of Humanitarian Affairs — states that

> "The sovereignty, territorial integrity and national unity of States must be fully respected in accordance with the Charter of the United Nations. In this context, humanitarian assistance should be provided with the consent of the affected country and in principle on the basis of an appeal by the affected country."

In addition, paragraph 4 of that resolution states that

> "Each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory. Hence, the affected State has the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory."

Jurisprudence has concluded that international efforts to protect civilians in cases of armed conflict must be carried out in strict observance of the principles of the Charter of the United Nations — which affirm the need to respect the sovereignty of States, their political independence and their territorial integrity — and be consistent with the provisions of the Geneva Conventions and international humanitarian law. Every international instrument has affirmed that national Governments have the primary responsibility in providing protection for their citizens and that such responsibility is exclusive and cannot be substituted for or influenced in the service of a given political agenda.

We must therefore not confuse the subject of the protection of civilians, on the one hand, and threats to international peace and security on the other, in particular when such an important subject is discussed in the Security Council. We must also avoid using vague or loose interpretations of the subject of the protection of civilians, as well as the use of terminology outside United Nations documents and materials that are controversial, such as the responsibility to protect and humanitarian intervention. Were that to happen, it would inevitably harm the credibility and neutrality of the United Nations and undermine the noble efforts carried out to protect civilians in armed conflicts.

An old paradox for the international community is the fact that, with the development of the concepts of international law over past decades, in both the general and humanitarian aspects, the suffering of civilians during conflicts — and, indeed, the very number of conflicts — have increased. The distinctive march of the international community over many centuries towards the codification of humanitarian law must not be undermine through the selective implementation of such law against the powerless — not the powerful — and the violation of the sanctity of sovereignty and the inviolability of the borders of Member States, while at the same time absolving the authorities of foreign occupation from the consequences of their violations, in total disregard for the norms and principles of international humanitarian law.

The crimes committed by Israel over several decades in the occupied Arab territories, its violations of the most basic principles of international humanitarian law and the impunity it enjoys not only prove the violations of law by the Israeli occupation and its political and military leadership; they are also evidence of how certain countries in the Security Council have condoned and tolerated those violations and have been reluctant to end them.

Israel continues to refuse to return the occupied Syrian Golan to its motherland and to abide by the resolutions of international legitimacy, especially resolution 497 (1981), which was adopted by consensus by the Council and resolved that Israel's annexation of the occupied Syrian Golan was null and void and without legal effect. We really do not know how long we can continue to turn a blind eye to Israel's occupation of Arab territories, including the Syrian Golan and East Jerusalem, and to Israel's inhuman acts against civilians in the armed conflict that, in United Nations terminology, is known as the Arab-Israeli conflict and the question of Palestine.

We wonder why we fail to see, with regard to Israeli aggression, the same enthusiasm exhibited today by certain representatives in expressing the great importance they attach to the protection of civilians in certain parts of the world where the agenda item "Protection of civilians in armed conflict" does not apply. These representatives have gone to great lengths to express their concern for civilians in the Chamber of the Security Council, whose mandate is the maintenance of international peace and security, in order to endorse a flawed reading and interpretation of the concept of the protection of civilians in armed conflict in order to justify their flagrant intervention in the internal affairs of Member States.

The President (*spoke in French*): I now give the floor to the representative of the Republic of Korea.

Mr. Park In-Kook (Republic of Korea): My delegation believes that today's debate is a timely opportunity to further the progress on key issues such as the implementation of resolution 1894 (2009), in particular as political developments over the past few months have refocused our attention on this issue. In this regard, I would like to highlight the following points.

First, no violators of international humanitarian law should go unpunished, under any circumstances. As the Security Council reaffirmed in resolution 1674 (2006), ending impunity is essential. In this connection, we fully endorse the Secretary-General's emphasis in his 2010 report (S/2010/579) on accountability for those who commit mass atrocities and on the responsibility of States to investigate and prosecute those suspected of genocide, crimes against humanity and war crimes. In addition, my delegation also emphasizes the role of the International Criminal Court as the last line of defence for upholding the principle of no impunity.

Compliance should also be enforced among non-State armed groups, which are involved in an ever greater number of conflicts. As such, the Security Council and other relevant international bodies need to devise measures to ensure full compliance, regardless of the status of the parties in conflict.

Secondly, access to provide humanitarian aid and basic safety and security to civilians affected by armed conflict also needs to be guaranteed. Unfortunately, we have seen many cases where humanitarian personnel and supplies have failed to reach those in urgent need due to the interference of certain parties involved in armed conflicts. Such acts clearly constitute crimes against humanity, and those involved should be held accountable. My delegation hopes that the Security Council, on the basis of the relevant paragraphs of resolution 1894 (2009), can deliberate further on this issue.

Thirdly, sexual violence against women and girls in armed conflicts is one of the most horrible forms of violence, not only against civilians but against civilization itself, and it deserves our special attention. Women and girls are most vulnerable, and sexual violence has a devastating and corrosive effect on society as a whole. My delegation hopes for increased coordination among the Special Representative of the Secretary-General on Sexual Violence in Conflict, UN Women, the Department of Peacekeeping Operations and other relevant organizations to better tackle these atrocious crimes.

Fourthly, more urgent attention should be paid to the issue of refugees. Due to globalization and deepened integration, it is expected that more refugees will be involved with armed conflict. More specific protection mechanisms should therefore be established, with the contribution of the Office of the United Nations High Commissioner for Refugees, and widely respected.

Fifthly, the role of regional organizations must be duly recognized and enhanced. With their deeper understanding of and sensitivity to the specific circumstances of both inter-State and intra-State conflicts, including a ready capacity for swift intervention, regional organizations can play a greater role in this regard.

Finally, my delegation also believes that such efforts to protect civilians should be an integral part of all United Nations peacekeeping missions. It cannot be denied that the primary responsibility for protecting civilians rests with States and the parties involved in a conflict. However, we have witnessed situations of armed conflict where the States and the parties involved have failed to provide adequate protection measures to civilians and armed groups, and where States have even resorted to using violence against their own innocent civilian populations as a means of combat. In such situations, United Nations peacekeeping operations are taking on greater responsibilities to support and provide security to civilians at risk, as seen recently in the case of Côte d'Ivoire. In addition, the Security Council needs to establish clear, credible and achievable mandates to ensure the successful and effective protection of civilians prior to deployment.

My delegation shares the deep concerns over systematic, flagrant and widespread violations of international humanitarian and human rights law and crimes against humanity, all of which have a serious effect on civilians. In this regard, the Republic of Korea fully supports the continued attention that the Security Council is giving to this issue. We welcome the Council's timely actions over the past few months. My delegation is also committed to rendering its full commitment.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 5.50 p.m.

United Nations S/PV.6532

Security Council

Sixty-sixth year

Provisional

6532nd meeting

Wednesday, 11 May 2011, 10 a.m.
New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Li Baodong
	Colombia	Mr. Osorio
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Kumar
	Lebanon	Mr. Salam
	Nigeria	Mrs. Ogwu
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

The situation in Somalia

Report of the Secretary-General on Somalia (S/2011/277)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General on Somalia (S/2011/277)

The President (*spoke in French*): Under rule 37 of the Council's provisional rules of procedure, I invite the representatives of Ethiopia and Somalia to participate in this meeting.

On behalf of the Council, I welcome the Prime Minister of the Transitional Federal Government of Somalia, Mr. Mohamed Abdullahi Mohamed.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Augustine Mahiga, Special Representative of the Secretary-General for Somalia, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them the report of the Secretary-General on Somalia, contained in document S/2011/277.

I now give the floor to Mr. Mahiga.

Mr. Mahiga: Let me once again thank the members of the Security Council for the support they continue to render to the peace process in Somalia. As members of the Council are aware, the current transitional period in Somalia is expected to end on 20 August 2011, in line with the Djibouti Agreement and the Transitional Federal Charter. The run-up to August 2011 has generated anxiety within the Transitional Federal Institutions (TFIs) and confusion among the Somali public and some key stakeholders in the region on how to proceed towards ending the transition. Disagreement over the election issue between the TFIs is causing a political paralysis in Mogadishu. There is therefore a need to develop urgently a consensus on when and how to hold elections and to define the mandate of the next dispensation while seeking to defuse the stalemate between the legislative and executive branches of Government.

On a positive note, the seven-month-old Government of Prime Minister Mohamed Abdullahi Mohamed came in with a promising road map. I am delighted to be sitting next to the Prime Minister. The road map emphasized good governance and began to put in place an administrative system for its implementation, but it still lacks capacity for civilian institution-building and the delivery of basic services.

On the security front, forces of the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM) have made significant territorial gains in Mogadishu. Allied militia forces are also making impressive gains on the central, western and southern frontiers. Political and civilian administrative structures need to be put place by the TFG in the newly liberated areas as the insurgents retreat and are growing increasingly weaker. There is an urgent need to build civilian institutional capacities and deliver basic services, including much-needed humanitarian assistance in those areas.

On a not-so-encouraging note, the process of political outreach for inclusive dialogue and reconciliation by the TFIs has stalled since the signing of the Djibouti Agreement. The efforts of the international community and regional actors to facilitate dialogue have not been fully reciprocated by the TFIs. The High-level Committee provided for by the Djibouti Agreement to promote Somali-Somali dialogue has not met since December 2009, despite my constant calls on the TFG for the Committee to be convened.

Agreements between the TFG and the regional entities have not been followed through, while civil society groups, such as elders, women's groups and the business community have not yet been actively involved in the political process. Most regrettable is the absence of communication and working relations between the executive and legislative branches of the Transitional Federal Institutions for the past several months. The President and the Speaker have not worked together since the beginning of February this year. At the same time, the unilateral extension of the Parliament for three years and the decision of the Government to defer elections for one year have further polarized relations between the two branches.

It is against this background that, on 12 and 13 April, in consultation with regional and international partners, I convened in Nairobi a consultative meeting of stakeholders to encourage dialogue among the TFIs on the transition and to initiate a similar dialogue with the regional entities that have signed agreements with the TFG. The agenda was built around exchanging information on the respective responsibilities of the TFIs for implementing transitional tasks and on sharing experience and improving working relations between the TFIs, on the one hand, and local administrations, on the other. The meeting was intended to initiate a process of consultative dialogue that would be followed by a more substantive meeting in Mogadishu.

Regrettably, and despite my relentless efforts to persuade the leadership of the TFG, neither the President nor the Prime Minister attended the meeting in Nairobi. They ostensibly objected to the separate invitations extended to Parliament and regional administrations and to the holding of the meeting in Nairobi rather than in Mogadishu. The Government complained about the meeting and a section of the Somali media attacked the initiative.

I am heartened, however, that the TFG has, since the Nairobi meeting, decided to convene a meeting of various stakeholders in Mogadishu between 11 and 16 June 2011 to carry on the consultative process. I fully support this initiative of the TFG, and the United Nations Political Office for Somalia (UNPOS) will provide the necessary assistance. As this initiative goes on, the issue of the elections for the presidency in July or the deferral of the elections for one year has lingered on and has further polarized Parliament and the executive branch. The polarization is unfortunately resonating within the Somali public and the region as a whole.

I have taken another round of initiatives to encourage the President, the Prime Minister and the Speaker to overcome the deadlock between the two institutions. Belatedly, the President is becoming more amenable to the need for dialogue, but the political will is still lacking. The President has promised to prepare a plan for political outreach, including visits and dialogue with the regional entities. That remains to be seen. I have just held meetings with the leaders of Djibouti and Ethiopia and attended a meeting of the Peace and Security Council of the African Union (AU) and a tripartite meeting with AMISOM and the Intergovernmental Authority on Development (IGAD) on how to resolve the current situation in Somalia.

I have requested IGAD and the African Union (AU) to help in resolving this issue. The Council of the Wise of the African Union will meet and take up the issue of Somalia on 12 May, and IGAD is preparing to convene a summit soon to discuss, among other issues, the end of the transition in Somalia. I appeal to the Security Council to weigh in on this issue. The single most divisive issue among the political groups in Mogadishu today is the timing of the elections, as provided for the Charter, and whether to hold this in July or to defer them to a future date.

Regardless of the election date that would be agreeable to all the TFIs, UNPOS is preparing a road map that will suggest benchmarks for the next Government in implementing priority transitional tasks that have not been implemented by the current or previous Governments. I will work to ensure that both Parliament and the executive branch are engaged, as this process must be Somali-owned. The road map will contain suggested benchmarks, timelines and resource requirements. The most urgent issue is to help the two institutions to resolve their differences on the issue of elections and to get them to start to work together.

Of late, the TFG, with the support of AMISOM, has made significant territorial and military gains against the insurgency. However, continued in-fighting within the leadership of the TFIs could negatively affect the progress that has so far been made on the ground. As most territories are captured by the TFG and the allied forces, it is critical that the TFG move in partnership with local communities to establish effective administrations in those areas and begin to provide basic services as peace dividends. The United Nations and the international community as a whole have a crucial role to play in assisting the TFG and regional administrations in establishing viable administrations in those liberated areas. UNPOS and the country team are stepping up their access to and presence in those areas.

The role of AMISOM in the stabilization of Somalia is crucial. The current strength of AMISOM is 9,000 personnel, with an additional 3,000 expected soon from Burundi and Uganda to reach the total strength of 12,000 authorized by the Security Council. I would like to commend Member States, particularly those that have offered equipment and supplies for the additional troops mandated by resolution 1964 (2010), for their continued generous support to AMISOM. There is, however, still great need for force enablers and specialized capabilities; in particular, the need for helicopters became more evident and pressing during the February offensive.

As the Secretary-General points out in his report (S/2011/277), AMISOM continues to suffer critical resource gaps that adversely impact the Mission's effectiveness. As the offensive against insurgent groups continues and the transitional period draws to an end, it is important that AMISOM receive full support from Member States in order to enable it fully discharge its challenging mandate. In particular, support for the capacity of troops to be self-sustaining is required, as are in-kind contributions to close equipment gaps. Financial contributions without caveats to the trust fund in support of AMISOM would also be welcome.

The United Nations Support Office for AMISOM continues to deliver a United Nations logistical support package to AMISOM comprising basic supplies and equipment, engineering and construction, medical services, aviation and transportation, strategic and tactical telecommunications capability, and so on. Importantly, this support will now include accommodations, offices and supplies for 13 AMISOM civilian personnel who are expected to deploy in Mogadishu this month.

The African Union is still of the view that the Security Council should take more robust action to prevent supplies from reaching the insurgents. The port of Kismaayo has increasingly become a commercial hub that provides vast revenues to Al-Shabaab with impunity. Action against violators of the United Nations arms embargo operating through Kismaayo harbour and airport needs to be considered and taken by the Sanctions Committee of this Council. Several other fields in south-central Somalia continue to be used by violators of the arms embargo to resupply Al-Shabaab.

Piracy in Somalia continues to threaten world maritime trade and to undermine the economies of Eastern African countries. The work of the international naval coalition to protect shipping and deter pirates is commendable, but has not been successful in stopping the menace. The real solution lies on land and in an overall political and security construct to restore peace, security and stability in Somalia. The recent resolution 1976 (2011) sets out a number of key deliverables, and UNPOS is actively engaged with the Office of Legal Affairs in urgently preparing a report to the Council on establishing specialized courts to try pirate suspects, and in continuing to develop prosecution and prison capacity throughout the region, as recommended in the Lang report (S/2011/30). We are also taking forward the Council's directive to report on the issue of protecting natural resources, toxic waste dumping and illegal fishing. My office is urgently setting up a piracy unit as the United Nations focal point to coordinate all of these activities and, more importantly, to actively engage the Somali authorities in addressing this problem through the Kampala process. We look forward to the Council's continued support in our assigned tasks.

In conclusion, let me underline, as I have done before, that the humanitarian situation in Somalia is reaching catastrophic proportions. This is exacerbated by the unabated drought and the intensifying fight against the extremists who continue to block the provision of critically needed humanitarian assistance to the areas under their control. As they retreat, they are leaving behind landmines and explosives that are slowing down humanitarian access. The United Nations Mine Action Service is working to facilitate safe access for humanitarian action. We need to provide more support to those efforts, while mobilizing additional resources for the much-needed humanitarian assistance to the people of Somalia. UNPOS is undertaking coordinated action to address the issue of defectors from the ranks of the Al-Shabaab, whose numbers are increasing by the day.

The President (*spoke in French*): I thank Mr. Mahiga for his briefing.

I now give the floor to His Excellency Mr. Mohamed Abdullahi Mohamed, Prime Minister of Somalia.

Mr. Mohamed (Somalia): It gives me great pleasure to appear before the Security Council today for the third time since I took office, in November of last year. During my two previous appearances (see S/PV.6467 and S/PV.6494), I reported to the Council on the achievements made by the Transitional Federal Institutions (TFIs), the challenges we face and the way forward. I am delighted to continue that trend and to once more provide the Council the latest updates on the challenges we face at this critical time. However, I am also here to listen to the constructive views of Security

Council members on how we can make progress beyond the transition phase, which ends in August.

As I mentioned in January and in March, my Government's five main priorities have been to improve security, enhance reconciliation, complete the transitional tasks — including the completion of our constitutional process — address the humanitarian crisis and promote good governance.

Let me begin by expressing once again my heartfelt gratitude and sincere appreciation for the ongoing support of the United Nations, the African Union and the international community to Somalia. In particular, we are exceptionally grateful to the young men and women from Uganda and Burundi who make up the African Union troops and who make the ultimate sacrifice for the safety and security of the Somali people. We salute and mourn those soldiers who have died in Somalia. We extend our condolences to their friends and families and assure them that their loss will not be in vain. Our nation will be eternally grateful.

I am fully aware that the Secretary-General recently reported to the Security Council on the key developments in Somalia; however, let me share with the Council recent developments in the area of security.

My Government continues to place the highest priority on security. As a result, our troops and the forces of the African Union Mission in Somalia (AMISOM) are currently making tangible progress in reclaiming significant territory from extremist groups in Mogadishu. Our troops are currently making visible progress in regions near the borders of Kenya and Ethiopia. They are gradually recapturing key districts and towns in the Gedo and Jubba regions. In addition, the military offensive in the capital city has been successful. The centrepiece was the taking of the former Ministry of Defence from the extremists — a strategic objective and one that will prove to be a pivotal moment in this campaign. Ground is now being taken at an increasing rate, especially around Bondere and immediately south of the Bakara market, in Howlwadag.

Together, the Transitional Federal Government (TFG) and AMISOM forces continue to push the extremists further back each and every week. Such an offensive must be properly sustained and logistically supported, and we implore the international community to step up its efforts in this area so that the gains can be consolidated and sustained.

We hope that the efforts of AMISOM forces in Somalia will show the world that African countries can solve their problems regionally. We are immensely grateful for the leadership of the Governments of Uganda and Burundi and we hope that other African leaders will also contribute to the cause of bringing peace and stability to Somalia.

Let me now update the Council on the political developments in Somalia, as well as to once more say, in no uncertain terms, that my Government is the Council's committed and credible partner in our efforts to stabilize Somalia. As all members are aware, the Transitional Federal Parliament has unilaterally decided to extend its term for three years. The Transitional Federal Government believes that the Parliament rushed to its decision without proper consultation among the other TFIs, particularly considering that the transitional period for the TFIs it to end by August. The international community has also rejected the Parliament's decision and raised both the legitimacy and the political wisdom of the legislature's approach. From the TFG's perspective, a question of more practical importance is raised by the juridical relationships that bind the Transitional Federal Institutions to both the Transitional Federal Charter and the 1960 Constitution. This has already occasioned differences of opinion between the Parliament and the executive branch of the Government.

It is the opinion of my Government that under the *simul stabunt vel simul cadent* principle, the Transitional Federal Institutions shall cease to exist as of August 2011. In other words, both institutions are indissolubly connected from a constitutional perspective. We would have wished to avoid the current political crisis within the Transitional Federal Institutions. It is true that my Government considers the behaviour of the Parliament in extending its mandate for an additional three years to be unconstitutional. The legislature's action is inconsistent with, and in contravention of, the Transitional Federal Charter and the 1960 Constitution. Both state that the term of the Transitional Federal Parliament shall not be extended and that any amendment with regard to the term shall not have effect with the tenure of the current legislature. My Government therefore believes that, from the constitutional and legal perspectives, the current Parliament does not have the constitutional mandate to elect a new President of the Republic. A

post-August legally elected legislature will be the legitimate Parliament to elect a President.

We believe that it is the responsibility of the executive branch of the Government to coordinate efforts to achieve inclusive pre- and post-transitional arrangements, which we were in the process of concluding. The President of Somalia, Sheikh Sharif Sheikh Ahmed, has asked the Parliament to reconsider its decision. The Speaker has so far rejected the President's proposal for a decision with regard to the extension of Parliament's tenure.

The most disturbing consequence of this situation is the descent into political instability at precisely the time when the security situation is on the verge of a breakthrough and governance is making effective strides forward. I and my Government believe that, with such visible progress on the ground, this is the worst possible time to be distracted by untenable election processes and the divisive campaigning that will inevitably take place. The TFG also believes that the diversion of focus from governance and security to election campaigning will provide the Al-Shabaab an opportunity of which it will take full advantage. We cannot offer these extremists such an open goal. It is our people, especially our youth, who will suffer the most.

Having considered the state of war envisioned in article 68 of the 1960 Somali Constitution, the TFG has discussed the issue at great length with all stakeholders, and we have therefore proposed to the Parliament and to our international partners to consider extending the mandate of the transitional federal institutions for an additional 12 months. The nation is at war with internal and external extremist forces and with the debilitating issue of piracy. The state of war envisioned in article 68 clearly provides an extraordinary legal mandate for the legislature and the executive branch to collectively manage war efforts with exceptional powers and thereby allow the recent progress to take hold and develop.

We believe that a further 12 months of progress in terms of political stability and security will create a chance for real and fair elections. That is our ambition and must surely be that of the Council as well. We believe that this is in the wider interests of the Somali people. The question is, how can the transitional federal institutions secure legitimacy without undermining the current progress with regard to security, stability and war efforts? We believe that the Security Council has a role to play by upholding international legality. The Somali people and the international community cannot accept an Act of Parliament that is clearly in violation of the Somali Constitution, that is, a unilateral extension of its tenure.

In order to move forward, I have appointed a ministerial committee, of which I am the Chair, and I have requested that the Parliament meet with us in order to settle our differences amicably and find an acceptable and mutually agreed consensus on the way forward. We are still hoping that the Parliament will agree to a consultative meeting between the two institutions. The TFG has always believed that the best way to resolve our issues is to hold a dialogue among Somalis, and we ask for the Council's support in giving us the space and time to reach our own political settlement.

As all here are aware, the TFG did not participate in the consultative meeting organized by the Special Representative of the Secretary-General for Somalia, Mr. Augustine Mahiga, in Nairobi last month. The TFG greatly values the role of the Special Representative of the Secretary-General, the United Nations as a whole and our key international partners. However, we believe that consultative meetings should be held inside Somalia and that Somalis should take the lead. We simply wish our voice to be heard.

The TFG has long intended to hold a consultative meeting among all our stakeholders in Mogadishu; it is scheduled to take place from 11 to 16 June 2011. I am very pleased to report that Mr. Mahiga has welcomed this meeting and has agreed that the United Nations will sponsor it. I have assigned a ministerial-level committee to organize the meeting in consultation with the Special Representative of the Secretary-General and all key stakeholders. We are very grateful for Mr. Mahiga's commitment and the excellent work he has done to bring peace and stability to Somalia.

I would also like to report that support from the Somali people is growing and that they are fully behind these security successes. We are very grateful for this, as this is the first time in decades that a Somali Government has received such support from the people. This is due to my Government's steady efforts in the areas of the delivery of services and good governance. We also know that civil society groups are

beginning to mobilize and gaining the confidence to make their voices heard.

I would offer three tangible examples of improved service delivery from the past two months. My Government, with donor support and assistance from AMISOM, has opened a new hospital, Martini hospital. It has a total capacity of around 500 beds and is already starting to treat and care for injured TFG soldiers and civilians with a range of illnesses and injuries.

My Government has taken over the running of a school attached to the newly established Al-Jazzira military training camp on the outskirts of Mogadishu. Again, with AMISOM's assistance, that school was established for local children and those of soldiers in training.

My Government has also established two other schools in Mogadishu to care for orphans and those whose parents are too poor to care for them themselves. We have around 400 children who are receiving food, shelter and elementary education.

The most exciting symbol of change, however, is the emergence of private-property renovation and property investment. It may for now be confined to the road between Kilometre 4 and the airport, but a new, five-floor hotel is being built and houses are being repaired, windows restored and roadwork undertaken. That is the surest sign of public confidence, as no private individuals would spend their money if they thought their efforts would turn to rubble. In addition, as I previously reported to the Council, my Government continues to provide service delivery to its people, such as street-cleaning, road repair and street lighting, as well as improving the justice system, promoting human rights and giving a sense of hope to our citizens. We have recently relaunched our first national television station in 20 years and our national newspaper, Dalka.

As I mentioned earlier, we are the first line of defence against two evils: the scourge of piracy and the plague of terrorism. We feel that the pressure and the war against terrorism must be intensified until we have eliminated all extremists from our soil. In the light of the killing of Osama Bin Laden, my Government has declared a state of high alert as a result of credible information that Al-Qaida and Al-Shabaab are planning revenge attacks, which could endanger or kill innocent people. On 7 May, an Al-Shabaab spokesperson confirmed that the group was planning revenge attacks and stated that it would intensify its terrorist activities. We need to defeat those aggressors at their source; that will require strong political will, cooperation and collaboration on our part, and resilient commitment and support on the part of the international community. We have to understand that the root cause and the breeding ground of both terrorism and piracy is lawlessness, coupled with poverty and unemployment.

As I have previously reported, the scourge of piracy cannot be defeated on the high seas. The solution is to bring back the rule of law on land in Somalia. We are very grateful for the work carried out by Jack Lang, the Special Adviser to the Secretary-General on Legal Issues related to Piracy off the Coast of Somalia, which has highlighted the urgent need to establish an effective judicial capacity for piracy trials. My Government believes that such courts should be in Somalia. My Government strongly welcomes this proposal and believes that, if the country has a strong national Government with an effective coast guard within a secure exclusive economic zone, we can help to reduce or even stop piracy. The Transitional Federal Government is grateful for the operations of the European Union Naval Force and many other international navies in our seas.

My Government has started to work with the United Nations with regard to the stabilization and reconstruction of new areas coming under the control of the TFG, both in Mogadishu and in the regions. This is very important and requires urgent support and attention from the international community.

Another area in which we desperately need assistance is disarmament, demobilization and reintegration. We have witnessed a high number of young people defecting from Al-Shabaab. We do not have the resources to provide the array of facilities, training and care necessary to help them recover, resettle and rehabilitate their lives. The stories we are hearing from those young people are shocking. Not only commitment but leadership will be required from the international community so that we can win the war on terror, not only by force but also by educating our young people and providing them with the hope that they have long been waiting for.

In conclusion, we are gradually, but effectively, winning the support of the Somali population. My Government is determined to help our people, and I can affirm our commitment to them and to the Council. The interests of our nation and our people must come first. We know that we, the Government, must work tirelessly to meet the expectations of us and to lead by example with transparent and effective governance. Defeating extremists in Somalia requires the same level of commitment as that of Afghanistan and Iraq. We will do everything that it takes to regain our status as a functioning State that protects its citizens, ends all forms of international piracy and extremism, promotes good governance, and produces a nation at peace with itself and its neighbours.

I would like to conclude with the Secretary-General's comments on Somalia in his recent report:

> "The international community must keep its end of the bargain. The Transitional Federal Government urgently needs assistance for Mogadishu's stabilization, recovery and reconstruction. If we reinforce the military gains, provide humanitarian relief and achieve political progress, we can set Somalia on course to greater stability and peace. If we fail, we risk a growing humanitarian crisis, a deteriorating security situation and a worsening threat to regional peace and stability." (*S/2011/277, para. 109*)

The President (*spoke in French*): I thank Prime Minister Mohamed for his statement.

I now give the floor to the representative of Ethiopia.

Mr. Nega (Ethiopia): On behalf of the States members of the Intergovernmental Authority on Development (IGAD), I wish to thank you, Mr. President, for convening this meeting on Somalia. We are pleased by the presence of His Excellency Mr. Mohamed Abdullahi Mohamed, Prime Minister of the Transitional Federal Government (TFG) of Somalia. We would also like to express our appreciation to the Special Representative of the Secretary-General, Mr. Augustine Mahiga, for his continuous efforts to promote peace in Somalia. We wish to acknowledge the excellent working relationship among the African Union Mission in Somalia (AMISOM), IGAD and the United Nations Political Office for Somalia.

First, the present situation can be described in terms of a few points, some of which have existed for some time, while others are, in effect, recent. To start with recent developments, which are essentially happy ones, the progress made in the security area over the past week, if used properly and with a sense of purpose and determination, has the potential to change the whole political landscape in Somalia or, at least, to provide the foundation for such a change. Accordingly, what has been achieved in the security domain in recent weeks and the series of defeats suffered by Al-Shabaab must not be understated. The gains made should be preserved and built upon, including because great sacrifices have been made to achieve what has been gained. That also involves ensuring that whatever is done in other areas does not cause a loss of momentum in the security field. The report of the Secretary-General (S/2011/277) underlines such progress. We endorse everything that the report affirms in that regard.

The second development in Somalia relates to the humanitarian tragedy in the country, which has been worsening recently, making that a matter of the highest priority for the TFG and the international community. The activities of the TFG in that area and to be seen to be active in addressing the tragedy will no doubt contribute to enhancing the credibility of the TFG in the eyes of the Somali people.

The third point that needs to be highlighted is the fact that the political situation in the country does not show much change. Relations among senior politicians have once again become a source of serious concern. For some reason, the squabble among officials of the Transitional Federal Institutions (TFIs) worsens, by coincidence or otherwise, whenever the security situation shows a major improvement. Obviously, one reason might be that, with the prospect of a more stable and better security situation, holding office becomes far more attractive and, thus, competition is literally ratcheted up. The lesson here is that whatever is done to improve or to change the political landscape should not jeopardize what has been gained in the security area.

The other major factor that defines the situation in Somalia at this juncture is the fact that the end of the transition period is fast approaching. There are only three months left before the transition is completed. What makes the issue so vital now is that the transition is coming to an end before the major tasks that were supposed to be handled during that period have been carried out. In that regard, the TFIs and their authorities have been found greatly wanting. Indeed, whatever differences there might be on this point, there is a consensus among the friends of Somalia on the ways and means of addressing it.

What has made the issue all the more critical is that it has not only become a source of much misunderstanding among the TFI authorities, but also further undermined the international community's confidence in the TFI authorities. The situation has been exacerbated by Parliament's decision to extend its mandate for three years beyond the transition period.

While the concerns of the international community in that regard are legitimate, it is nonetheless obvious that allowing the transition to end without putting in place mechanisms to ensure the preservation of the foundation of the Djibouti Agreement would be potentially dangerous and, in fact, inadvertently a major reward, including for Al-Shabaab. That explains why IGAD, and subsequently the African Union, proposed the extension of the mandate, although not for three years. Even if an election has become unavoidable, it should be handled in such a way as not to undermine the gains made in the security area.

What to do is now the question faced by the TFIs authorities and their partners at the subregional, regional and international levels. At this point, perhaps what is critical is not to jump the gun. The situation in Somalia is very delicate. Much has been gained in the security area, and since such progress has major positive implications for the fight against international and regional terrorist networks, it should not be allowed to be reversed. One recalls the situation only a few months ago when the terrorists were literally knocking at the doors of Villa Somalia. The current progress should be used to bring the threats posed by such dangerous elements to the region and the wider world to a definitive end.

Moreover, it is very clear that focusing only on the weakness of the Somali authorities might not be all that fair. Furthermore, that approach might not serve our common objectives. In that regard, the Secretary-General is right in believing that more help in the security area is needed for AMISOM to enhance its capacity and in terms of the provision of reliable and predictable support for the TFG in a whole range of areas.

Regarding how to proceed, what can be stressed at this point is the need for serious consultation with a view to making use of the current progress in the security area to sort out Somalia's political problem. This must be done brick by brick, for nothing can be done in Somalia in one fell swoop. As the Special Representative of the Secretary-General highlighted, Somali ownership of the process is the best approach and, ultimately, the most rewarding. IGAD is always ready to collaborate with the international community and will remain committed to peace and stability in Somalia.

The President (*spoke in French*): I thank the representative of Ethiopia for his statement.

I have been authorized to make the following statement on behalf of the Council —

I give the floor to the representative of the Russian Federation.

Mr. Churkin (Russian Federation) (*spoke in Russian*): Before the Council adopts the presidential statement, I should like to propose that members engage in consultations.

The President (spoke in French): Ambassador, I understood that your delegation was in agreement with the presidential statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): Sir, you are absolutely right, but we have listened to three very important statements. It seems to me that it may be useful to discuss those statements before the Council gives its final endorsement to the text.

The President (*spoke in French*): I therefore invite Council members to informal consultations to continue our discussion on the subject.

The meeting was suspended at 11.05 a.m. and resumed at 1.30 p.m.

The President (*spoke in French*): After consultations among Council members, I have been authorized to make the following statement on behalf of the Council:

"The Security Council reiterates its grave concern at the continued instability in Somalia which has led to a multitude of problems, including terrorism, acts of piracy and armed robbery at sea off the coast of Somalia, hostage-taking and a dire humanitarian situation, and reiterates the need for a comprehensive strategy

to encourage the establishment of peace and stability in Somalia through the collaborative efforts of all stakeholders.

"The Security Council reiterates its respect for the sovereignty, territorial integrity, political independence and unity of Somalia. It reaffirms its support for the Djibouti Agreement and peace process as the basis for the resolution of the conflict in Somalia. It reiterates the importance of political outreach and reconciliation in Somalia and stresses the importance of broad-based, representative institutions reached through a political process ultimately inclusive of all.

"The Security Council expresses its support for the work of Mr. Augustine P. Mahiga, Special Representative of the Secretary-General, the United Nations and the African Union to promote peace and reconciliation in Somalia.

"The Security Council notes that the transitional period will end in August 2011. It commends the work of the Special Representative of the Secretary-General to facilitate the consultative process among Somalis in their efforts to reach an agreement on post-transitional arrangements, in consultation with the international community and within the framework of the Djibouti Agreement. In this regard, it welcomes the high-level consultative meeting held in Nairobi on 12 and 13 April 2011. The Security Council welcomes the participation of a wide range of Somali stakeholders and partners. It deeply regrets the failure of the Transitional Federal Government (TFG) to participate in this consultative meeting and urges the TFG to engage fully, constructively and without further delay in the consultative process facilitated by the Special Representative of the Secretary-General, and to support his efforts to move the peace process forward.

"The Security Council welcomes the upcoming consultative meeting to be held in Mogadishu, which will further the debate generated at the high-level consultative meeting in Nairobi. The Council urges all Somali stakeholders to participate in this meeting and to play a role in finalizing arrangements for ending the transition in August 2011. It calls upon the international community, the United Nations and international organizations to fully support this meeting.

"The Security Council reiterates the primary responsibility of Somalis to achieve peace, security and reconciliation in Somalia. It regrets the decisions taken by the Transitional Federal Institutions (TFIs) to extend their mandates unilaterally and urges them to refrain from further unilateral action. The Security Council urges the TFIs to focus on implementing reforms to build their legitimacy, representativeness and credibility and to reach agreement as soon as possible on the holding of elections for the positions of President and Speaker of Parliament, without which there can be no extension.

"The Security Council expresses concern at the discord between the TFIs and its impact on the political process and the security situation. It calls upon the TFIs to ensure cohesion, unite and focus on the completion of the transitional tasks set out by the Djibouti Agreement and the Transitional Charter. It stresses the importance of cooperation and collective leadership by the President and Speaker.

"The Security Council notes with concern that many core transitional tasks remain outstanding and urges the TFIs to demonstrate tangible results on the completion of these tasks before the end of the transition, prioritizing progress on reconciliation, the Constitution and facilitating the delivery of basic services. It notes its intention to keep the situation under review and notes that its future support to the TFIs will be contingent upon the delivery of tangible results.

"The Security Council strongly commends the progress made by the African Union Mission in Somalia (AMISOM) and the Somali security forces in consolidating security and stability in Mogadishu, and recognizes the significant sacrifices made by these forces. It calls on the TFG to take advantage of these tactical gains by demonstrating progress on facilitating the delivery of basic services, the integration of military objectives into a clear political strategy in line with the Djibouti Agreement, and all the other benchmarks spelled out in paragraph 3 of resolution 1964 (2010). It calls for an increased

United Nations presence in Mogadishu and other parts of Somalia and calls on the United Nations to work in a coordinated manner.

"The Security Council reiterates its full support to AMISOM and expresses its continued appreciation for the commitment of troops by the Governments of Burundi and Uganda. It stresses the importance of predictable, reliable and timely resources for AMISOM in order for it to better fulfil its mandate. The Security Council calls upon the international community to make contributions urgently to AMISOM, without caveats. It notes the recommendations on Somalia of the African Union Peace and Security Council of 15 October 2010 and underlines its intension to keep the situation under review.

"The Security Council calls upon all States, particularly in the region, to fully implement the Somalia and Eritrea arms embargoes. The Security Council condemns attacks, including terrorist attacks, on the TFG, AMISOM and the civilian population by armed opposition groups and foreign fighters, particularly Al-Shabaab. It calls upon all opposition groups to lay down their arms and join the peace process."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2011/10.

The Security Council has thus concluded the present stage of its consideration of the item on the agenda.

The meeting rose at 1.40 p.m.